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**"I wonder if we should even be doing it at all": an exploratory
study of Family Violence Restorative Justice in cases of intimate
partner violence**

A thesis

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of the requirements for the degree

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Abstract

The introduction of Restorative Justice as an adjunct to the criminal justice system is often seen as a progressive step, but its extension to cases of intimate partner violence is more controversial. Internationally, feminist academics have presented concerns related to the use of power and control within violent relationships, and how the dynamics of such relationships are inevitably re-enacted within Restorative Justice processes, potentially endangering women and denying them justice. This study was conducted in New Zealand to explore key informants' perspectives of the use of Restorative Justice in cases of intimate partner violence. Semi-structured interviews were used to canvas women's safety before, during, and after a Family Violence Restorative Justice conference.

The findings of this research mirror international arguments against the use of Restorative Justice in cases of intimate partner violence. Concerns were largely related to the psychological harm an abusive relationship imposes on women, and how this restricts a woman's ability to be an active participant in a conference. Most of my key informants had significant concerns about the way Family Violence Restorative Justice is currently practiced and expressed serious doubts about whether this initiative should be continued.

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Chapter 1: Introduction

Introduction

Intimate partner violence (IPV) is a chronic and pervasive social and public health issue. Whilst men can be victims of IPV, women are overrepresented in IPV statistics. Not only are women significantly more likely to experience IPV, they are far more likely to be fearful of their partner, to be injured, miss work due to fear or injury, or experience post-traumatic stress, (Archer, 2000). According to the World Health Organization, one in three women around the world will experience IPV by a partner and/or sexual violence by a non-partner, irrespective of their ethnicity, sexual orientation, or socio-economic status (García-Moreno, Pallitto, Devries, Stöckl, Watts, Abrahams, South African Medical Research Council, 2013). In saying this, the rate of perpetration does vary when these factors are considered.

Global figures are mirrored in New Zealand's statistics, and we continue to perpetrate IPV at rates higher than any other developed country in the world. New Zealand data shows that IPV affects approximately one in three women (35%), and when psychological abuse is included in this analysis, the estimate increases to approximately 55% of New Zealand women. Research shows that Māori women are at greatest risk of suffering all forms of IPV. One New Zealand study showed that 57.6% of Māori women and approximately 37% of European women will be a victim of IPV in their lifetime (Fanslow, Robinson, Crengle, & Perese, 2010). Furthermore, research indicates that women are rarely victimised only once (Cochran, Sellers, Wiesbrock, & Palacios, 2011). Therefore, most of the abuse women experience is repetitive in nature (Tjaden, 2001). Leaving the relationship does not always mean the abuse will stop. In fact, statistically, this is the most dangerous time in the entire relationship for women. Research shows that women who leave are often harassed and stalked, and are significantly more likely to be killed by her abuser than those who stay (Campbell, Webster, Koziol-McLain, Block, Campbell, Curry, Gary, Glass, McFarlane, Sachs, Sharps, Ulrich, Wilt, Manganello, Xu, Schollenberger, Frye, & Laughon, 2003; Johnson, & Hotton, 2003).

The consequences of violence towards women range from the psychological to the physical, with the most serious harm resulting in death (Coker, Smith, Bethea,

King, & McKeown, 2000). About half of all domestic homicides in New Zealand between 2009 and 2015 (92 homicides) were committed by an intimate partner, and 98% of these homicides were committed against women, by men (New Zealand Family Violence Clearinghouse, 2017). Some of the psychological effects of abuse include anxiety, depression, drug and alcohol abuse, and self-harm (Coker, Davis, Arias, Desai, Sanderson, Brandt, & Smith, 2002; Devries, Mak, Bacchus, Child, Falder, Petzold, & Watts, 2013). The most recognised form of abuse is the physical because the effects are more obvious. Physical abuse is often seen through cuts and bruises, hospitalisation, reproductive complications, or death, but there are many other ways to identify both physical and psychological abuse (Coker, Smith, Bethea, King, & McKeown, 2000).

Whilst research shows a significant number of women are victimised around the globe, only a small percentage of IPV crime is reported to the Police. The New Zealand Crime and Safety Survey (Statistics New Zealand, 2009) reported that 50% of victims who did not report the violence to police thought that their experience was not worthy enough of police intervention, or were unable to report their experience successfully (Hayden, 2010). Forty-Five percent of those who did not report the violence stated they believed the violence was a private issue that should be dealt with as such. Fanslow and Robinson (2010) found that the women in their study had a significant lack of support getting help. Forty percent of their sample stated that not only had they not received any help for the abuse, no one actually tried to help them. As a result, only 5.6% reported the violence to the police.

Many abusers and victims of IPV may eventually engage with the criminal justice system. Entering the criminal justice system can be a frightening and negative experience for women (Jordan, Nietzel, Walker, & Logan, 2004). New Zealand's criminal justice system is adversarial in nature. In a contest between the crown and the accused, women are side-lined or have a role only as the Crown's witness, recounting traumatic events in public and subjected to hostile questioning from the defence (Jordan, Nietzel, Walker, & Logan, 2004). Not only is autonomy compromised, but many women also report feelings of re-victimization (Byrne, Kilpatrick, Howley, & Beatty, 1999). Their credibility is questioned, and their experience is often disregarded, causing additional trauma (Jordan, Nietzel, Walker, & Logan, 2004). This additional trauma may cause women to withdraw from legal

proceedings. If women are involved in the process, their inclusion is often limited to giving evidence and recounting the abuse. All within a public setting.

More recently, a new initiative has been implemented called Restorative Justice. Restorative Justice is now widely used as a partial alternative to the criminal justice system (Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002). Restorative Justice is considered a grassroots approach to crime that is both practical and culturally appropriate, especially for indigenous communities (Ministry of Justice, 2013). Restorative Justice was created as an alternative to what has been dubbed a "retributive" system, offering a more "restorative" approach to crime and victimization (Johnstone, & Van Ness, 2004). Restoration is thought to come from the bringing of the offender and the victim(s) together to talk about the harm caused and decide on the best way to restore that harm (Johnstone, & Van Ness, 2004). Restorative Justice has been shown to be hugely effective for many non-family violence criminal cases, and there is little contention in the literature regarding this point (Strang, & Sherman, 2003).

The purpose of Restorative Justice is to provide the victim with an opportunity to discuss the harm caused, with the abuser, and come to an agreement regarding how the harm can be restored (Zehr & Mika, 2003). It is supposed to provide autonomy over decisions made regarding how the offender will repair the harm, and gives victims an opportunity to question the offender regarding their choice to commit such crimes (Zehr & Mika, 2003). For many victims this is hugely empowering, satisfying, and healing. In non-family violence cases, Restorative Justice has shown to reduce reoffending rates, especially in youth populations (Maxwell, & Morris, 1993). Additionally, it is more likely an offence will be diverted, and this reduces cost to the criminal justice system (Sherman, Strang, Barnes, Bennett, Angel, Newbury-Birch, & Gill, 2007).

Initially, all types of crime except Family Violence and Sexual Violence were considered eligible for restorative justice in New Zealand (McElrea, 2004). However, this has changed, and now these cases are also included (Ministry of Justice, 2013). In the case of family violence, these same restorative benefits are assumed. However, the problem arises when there is an inherent power imbalance between an abuser and the person who has been abused, often repeatedly (Edwards, & Sharpe, 2004). It is within the context of Family Violence Restorative Justice (FVRJ) that we must

remember that abuse is very rarely a single incident, and more often, repeated episodes (Fanslow, Robinson, Crengle, & Perese, 2010). Critics suggest this it is unlikely that victims of family violence offences gain those same benefits from restorative justice as their autonomy is compromised and they are often fearful of retaliation before, during, and after the conference (Edwards, & Sharpe, 2004; McElrea, 2004; Stubbs, 2007). These dynamics need to be understood more clearly, and acknowledged as a substantial risk factor for victims engaging in the Restorative Justice process (Busch, 2002; Hayden, 2012; Stubbs, 2002).

This research investigates the extent to which FVRJ is a safe practice for victims of abuse. Here I am concerned about the complexities that are associated with an abusive relationship, and how these dynamics may be played out in the conference setting. I am interested in discovering the extent to which the complexities of IPV are accounted for before, during, and after a conference. If these complexities are not addressed, women's psychological and physical safety are likely to be put at risk when engaging with this service. This research hopes to add to the literature debating this issue. I hope that these findings will inform the future practice of Restorative Justice in IPV cases so that the safety of abused women will truly be at the forefront of decision making.

In the following sections, I will position the present research by explaining the relevant terminology used in this study, introduce the researcher and establish the theoretical framework for this research.

Terminology

In this research, I use the term intimate partner violence. This is commonly used to describe abuse in the context of an intimate relationship. However, although the term covers both heterosexual and same-sex relationships, I am concerned only with men's violence against women partners. While there is no universally adopted definition to describe IPV in its entirety, the *Centre of Disease Control and Prevention* and the *World Health Organization* have identified characteristics including physical and sexual violence, emotional and psychological abuse, control, stalking, and other coercive tools, perpetrated by a current or former partner (Breiding, Basile, Smith, Black, & Mahendra, 2015). Furthermore, it is typically accepted that physical violence is accompanied by psychological violence, but in many cases, psychological violence

is enacted alone. Psychological violence is most concerning in the context of this research as it is the elements of coercive control that are likely to be perpetrated - and most likely go unnoticed - in the context of Restorative Justice conferencing.

In New Zealand, IPV is encompassed within the term Family Violence, but is still legally referred to as Domestic Violence (New Zealand Family Violence Clearinghouse, 2016). Family Violence or Domestic Violence is a broader definition, including abuse towards the elderly, children, flatmates, or any other person within the homes. Thus, for the purpose of this research, the term intimate partner violence more narrowly defines the sort of violence in which I am interested, although as mentioned above, I am interested only in a subset of that violence, men's violence towards women partners

The researcher

I am a survivor of IPV. During my teenage years and the beginning of my twenties, my relationships with men were characterised by psychological/emotional, physical, and sexual violence. While I did not recognise the psychological and emotional abuse at the time, the physical and sexual violence was more obvious. This led me towards a deeper exploration of IPV within tertiary education, where I came to identify the other forms of abuse I had experienced.

The knowledge I have gained as a survivor of abuse and through my studies, has empowered me greatly. I have found my passion in researching feminist issues in the attempt to both understand the world women have to navigate, as well as exploring preventative tactics in order to eventually put an end to violence against women. Furthermore, as a survivor of men's violence towards women, I have gained an insight and an awareness that is vital to undertaking and understanding the present research.

As a researcher, my own attitudes, beliefs, and respective needs to be recognised. In my case, I believe my experiences to be significantly beneficial to this research, and I hope that readers of this thesis will acknowledge, and learn from, my experiences. Furthermore, I hope that this will help to persuade readers into a deeper understanding of the topics I am exploring.

Theoretical perspective

This research was conducted through a Feminist framework. By this I mean I take a gendered approach to the issue of IPV accepting that women are the predominant victims of IPV, and men are the predominant perpetrators. I understand such violence to reflect gender power relations evident in wider society. This approach does not exclude the experiences of men's violence towards men, or in relatively rare cases, women's violence towards men, though men's violence towards women is still a more prevalent and pervasive issue that needs addressing, as women are still being harmed at alarming rates within NZ, and around the world. Furthermore, men's violence towards women and women's violence towards men must be seen within different contexts and meanings. This view is often neglected in research methodologies, and consequently alters the public's perception of women's violence towards men as having the same purpose, or being perpetrated at the same rates, which is misleading. In fact, some feminists theorise that an attempt to view men as victims at the same rate as women, is a way to reduce both emphases on violence towards women, and resources to help female victims of IPV (Loseke & Kurz, 2005)

Because I understand men's violence against women partners to be fundamentally about power, I focus on the position and function of patriarchy within our society as a leading cause of our IPV rates. Patriarchy in its literal form means "rule of the father". Today, patriarchy refers to the system that dominates our society. This system holds men as superior to women, leaving women in a subordinate position. Gender roles are a predominant feature of patriarchy. In many societies, gender roles see men as dominant, rational, strong, sexual beings, while women are seen as submissive, irrational, weak, and preferably, virgins. For a woman to step outside the boundaries of her prescribed gender role is seen as unfavourable and markers her as unattractive to men (and many women), and often leads to punishment of some form. Punishment may come in the form of IPV, coupled with apathy towards female victims.

IPV research guided by a Feminist framework is imperative to create social change. It allows women to express their experiences of IPV and living within a patriarchal system, and provides a platform for them to demand change. Feminist led research aims to inevitably improve women's lives, and eliminate adversities from their lived experiences, such as IPV.

Chapter 2: Literature Review

This section will explore IPV through a feminist lens, allowing a deeper understanding of IPV within society. It will analyse the role of gender socialisation (particularly hyper-masculinity), societal attitudes towards IPV, and how our views shape the perpetration and acceptance of IPV today. Additionally, using this approach, I will explore the criminal justice system, and how the addition of FVRJ is supposed to help victims of abuse in ways the current criminal justice system cannot. Furthermore, I will explore the issues that have arisen with this partial alternative to the criminal justice system for women who have been abused by an intimate partner, and how it is problematic in the way it is currently practiced. The chapter concludes with a statement of my research aim.

Feminist Theory

The Feminist movement was created to advocate for equality of the sexes. Feminist activist movements have played a significant part in having IPV recognised as being a public issue, rather than a private matter. Furthermore, feminism is crucial to understanding, and intervening in, a patriarchal society. In the context of an intimate relationship, Feminist theory suggests that men often assume that their inherent position in the home, and in society in general, is that of authority (Lerner, 1986). The acceptance of male dominance is largely universal.

Focusing on male violence towards women is imperative to finding solutions to IPV. While it is evident that men are too abuse, women are significantly over-represented in IPV statistics, and the context in which women's violence occurs is often in self-defence (Johnson, 2006). Feminist scholars have developed an approach to IPV that explains violence within a gender and power dynamic. This approach demonstrates how abuse within intimate relationships stems from men wanting to obtain control and power over women to protect their status as the dominant gender. It shows how in a patriarchal society there is no gender equality, and IPV is common place (Hester, 2004).

Researching from a Feminist perspective allows us to view issues within a context that many other researchers ignore; that is, within a Patriarchal system. Feminist researchers generally agree that most societies hold ideals that are based in

this patriarchal system which consequently alters the way we view and treat women (Campbell & Wasco, 2000; Cosgrove & McHugh, 2000; Kirsch, 1999). A Feminist perspective to research is important as it allows for a more fine-grained analysis of inequalities towards women, and therefore may aid in improving women's lives and wellbeing (Campbell & Wasco, 2000; Cosgrove & McHugh, 2000; Kirsch, 1999).

Feminist standpoint theory proposes that those in society who have been marginalised, have a more complete view of the world; and of social problems than those who operate from a privileged position. Therefore, in a patriarchal society, women are often able to view the world in a way that identifies suppressed realities typically missing from male perspectives (McClish & Bacon, 2002). Due to living in a patriarchal society, women have developed a "double consciousness" which allows them to break away from the male construction of knowledge, and are therefore more able to understand social concepts which are often missed by their male counterparts (Hesse-Biber, 2013; Kirsch, 1999; McClish & Bacon, 2002).

Gender roles socialisation

Many researchers have bridged the link between patriarchal beliefs and IPV, through understanding gender roles and their implications. Gender roles are accepted and adopted through a process of socialisation (Eccles, Freedman-Doan, Frome, Jacobs, & Yoon, 2000). From the identification of a child's sex at birth, their gender is being constructed for them through colours, toys, expectations, and an allowance of gender-specific behaviours (Crespi, 2003). Over time, the child learns what is expected of them (in relation to their sex) and will typically act in a way that mirrors those expectations. For men, this means that along with expectations of dominant, assertive, and stubborn behaviour traits, allowances will be made, even for generally antisocial behaviour such as violence (Jakupcak, Lisak, & Roemer, 2002). On the other hand, expectations placed upon women would expect that that are gentle, nurturing, and submissive, with no allowances for any antisocial behaviour, and certainly no acceptance of stepping outside of her gender-role boundaries (Kray, Howland, Russell, & Jackman, 2017).

Masculine gender roles

Literature on masculine gender roles (ranging from hyper-masculinity to an apparent lack of masculinity) has gained a lot of attention in the literature exploring factors

that perpetuate violence towards women. Out of patriarchy comes an ideal that hyper-masculinity is the ideal state for males to achieve, and in the process of achieving this ideal comes an expectation that men are aggressive beings. A meta-analysis on the issue of masculinity and sexual aggression in particular, showed hyper-masculinity ideology and sexual aggression to be significantly related (Flood & Pease 2009). What this and other studies show is that there is a consistent and significant relationship between patriarchal, sexist, and aggressive ideals, and men's violence towards women (Flood & Pease 2009). This means that men who strongly adhere to hyper-masculinity or masculine ideals that are aggressive and harmful, have an increased risk of perpetrating IPV (Dobash and Dobash, 1979, Parrott, & Zeichner, 2003, Reidy, Shirk, Sloan, & Zeichner, 2009; Stark and Flitcraft, 1996, Yllö, 1984).

Whilst strong adherence to traditional masculinity norms is shown to contribute to IPV perpetration, so too has an actual or perceived insufficient masculinity. The idea that a man may not "live-up" to socially constructed masculinity norms has been attributed to IPV perpetration (Holtzworth-Munroe and Hutchinson, 1993). In fact, it is more likely that men who feel under-masculine may interoperate more interpersonal exchanges within intimate relationships as threatening, meaning that they are more likely to act out violently in an attempt to reach a more dominant position (O'Neil and Harway, 1997).

Gender role socialisation plays a significant role in why women stay in abusive relationships. Women are socialised to be passive and dependant on men, and to serve their family (Eccles, Freedman-Doan, Frome, Jacobs, & Yoon, 2000). If a victim has children, it is even more likely that she will attempt to fulfill this role and try to make it work. She may be convinced through societal messages that this is the best thing to do for her children, and her duty to her partner/abuser (Crespi, 2003).

Societal norms, and beliefs about IPV

Because gender roles are so ingrained in society, they create norms. These norms make certain behaviours "acceptable" even if they are antisocial or illegal. As a result of a widely accepted patriarchal hegemony within New Zealand and around the globe, it has been argued that we have a cultural acceptance of IPV, especially when the violence is perpetrated by a man, towards a woman (Frederick and Lizdas, 2003).

For example, despite IPV being illegal, many still accept physical discipline of female partners as a legitimate form of punishment (Taylor, Magnussen, & Amundson, 2001). Coker (2002) states that friends and family are often the most supportive of a perpetrators behaviour as they are more likely to perceive him as the victim. In doing so, the true victim is perceived as a provocateur, manipulator, and the 'real' perpetrator (Coker, 2002). This means that it does not necessarily matter what a society thinks as a whole, but rather what those supporting the perpetrator and victim believe about the nature of IPV.

Victims often blame themselves for the violence committed against them (Neville, Heppner, Spanierman Clark, 2004). This is a result of the cultural norms and beliefs discussed above, and is worsened by society's lack of sympathy, and a failure to support IPV victims (Pavlou & Knowles, 2001; West, Wandrei, 2002). Therefore, societal attitudes towards IPV and IPV victims directly impact on the prevalence of violence towards women, and increases the challenges victims face when attempting to seek help. Under-reporting of IPV is not surprising given our socio-cultural attitudes towards victims of IPV (Jansen, Heise, Watts, & García-Moreno, 2008). Women who manage to leave their abusers normally do so only with the help and support of family and/or friends. However, as discussed above, societal attitudes towards victims of abuse can prevent women having access to this type of support (Coker, 2002).

A large proportion of society (particularly males) tend to believe that victims of IPV are at least in part responsible for the harm committed against them, minimize the harm caused, show a lack of empathy to victims, and see some abusive and violent acts as acceptable (Flood & Pease, 2009). The fact that it is predominantly males holding this view is referred to as the "gender gap" (Flood & Pease, 2009). Women who reach out for help are often confronted with the socio-cultural response described above. This response can cause victims to return to her abuser and forgo any future attempt at receiving help for the abuse. The attitudes and beliefs we hold towards violence against women not only support the perpetration of abuse, but also reduce the likelihood of victims receiving the help they need (Flood & Pease, 2009).

Violence towards women

Gendered violence is the use of violence towards women, predominantly by men, in order to control their victim, and to sustain their dominant position within society. The over-representation of women as victims is undeniable, though some researchers have tried to provide evidence to the contrary. There are many pieces of academic research available to the public now that present women as just as violent as men (Straus, Gelles & Steinmetz, 1980). However, their arguments constantly ignore the overrepresentation of women as victims, and that women's violence is most often documented as self-defence (Bograd, 1988). These pieces of research are fraught with methodological issues that refuse to present the context of women's violence, which is normally in retaliation or in defence of, men's violence towards them. Many of these studies use the Conflict Tactics Scale which is widely criticised for its reductionist, mechanistic approach which focuses on specific actions without considering the heavily-gendered meaning, intent and consequences of those acts. In short, the scale fails to put violent acts into context. This means that women's "violence" in self-defence is simply counted as a violent act, simply indistinguishable from a man's violence to regain control over his victim (Dobash & Dobash, 1979; Johnson, 2006). Furthermore, such research often fails to present to its reader the difference between men and women's violence regarding the harm caused by the violence. For example, a report on domestic homicide rates between 2009 and 2015 produced by the Death Review Committee provides us with statistics indicating that women were the victims of male violence causing death, in 98% of all homicides in which the parties were in an intimate relationships (Tolmie, Smith, Short, Wilson, Koziol-McLean, Cram, Jensen, & White, 2017). Lastly, it ignores the structural influences behind men's violence towards women keeping men's violence towards women a social norm (Dobash & Dobash, 1988; Geller, 1992; Gordon, 1998).

Viewing IPV through a Feminist lens allows us to recognise gender and inequality as drivers of such violence. Feminist theories focus on patriarchal societal messages that encourage aggressive and dominant behaviour in men that ultimately endorse men's violence towards women (Pence & Paymar, 1993). As noted earlier, patriarchy is a dominating, dangerous, invisible structure. Within a patriarchal system, men benefit in many ways including economically, psychologically, sexually, and politically, which leaves women in a constant disadvantaged position (Ali, 2007;

Cosgrove, & McHugh, 2000; Hawkesworth, 1999). This has determined what knowledge's, ideas, and norms, are constructed and maintained. In a patriarchal society, it is men's perspectives of truth that have dominated what a society believes (Campbell & Wasco, 2000).

Patriarchal beliefs of male dominance and privilege allow men to believe they have the right to control women through different types of violence and control tactics in order to maintain or obtain power.

Heggen states:

The inherent logic of patriarchy says that if men have the right to power and control over women and children, they also have the right to enforce that control. . . . Domination and glorification of violence are characteristics of patriarchal societies. . . . In patriarchy, women and children are defined in relation to men who control the resources and the power. Women and children are the other, the object. Men are the norm, the subject. In a dominance-and-submission social order, there is no true mutual care. Subordinates are to care for the needs of the dominants (1993, p 85).

Research into patriarchal beliefs and IPV has consistently shown a strong correlation to be present between holding patriarchal ideals and perpetrating violence towards women (Dobash and Dobash, 1977, Lenton, 1995, Yllö, 1988).

Power and control

Power and control is a common model used to help understand why and how men use abuse toward women in intimate relationships. The want for power and control that is common for men to desire within a patriarchal society, is often exercised over their partner using a variety of tactics including physical, psychological/emotional, sexual, financial, and spiritual abuse (Pence & Paymar, 1993).

Duluth Model

Our understanding of the dynamics at the core of IPV has been significantly advanced by the Duluth Model. The Duluth model is essential to understanding violence in the context of this research because it gives a more precise explanation of the tactics men use against women (Gondolf, 2007; Pence & Paymar, 1993) and helps to explain why men are the predominant perpetrators of IPV, and inflict the most harm (Gondolf, 2007; Heru, 2007; Pence & Paymar, 1993). The Duluth model

was founded as a result of a series of interviews with women who had been victims of IPV (Pence & Paymar, 1993). Questions that informed the creation of this model include:

Why is she the target of his violence? How does his violence impact the balance of power in their relationship? What did he think could change by hitting her? Why does he assume he is entitled to have power in the relationship? How does the community support his use of violence against her? (Pence & Paymar, 1993, p. xiii)

In contrast to common victim-blaming perspectives, the Duluth model takes the blame off the victim (Gondolf, 2007). It emphasises the use of power and control as central to IPV; therefore, these words are at the centre of the power and control wheel (Heru, 2007).



Figure 1 Power and Control wheel illustrating common elements of abuse present within a violent relationship

On the spokes of the wheel, are the most common ways a perpetrator works towards this goal. These include using coercion and threats, intimidation, emotional abuse, economic abuse, male privilege, isolation, using children, and minimizing/blaming (Heru, 2007). In the context of FVRJ, understanding these tactics is paramount to deciding if a conference is a safe option for a victim of IPV. As described above, IPV

is not just physical in nature. Therefore, these other elements including coercion and intimidation need to be considered.

Coercive control

Too often, IPV has been seen as an incident, or a series of incidents, characterised by physical violence by a partner, or ex-partner, and often within the context of a spousal or domestic "fight". However, feminist theory and research gives a different picture, one which recognises that IPV is not simply about a fight between couples. Rather, the abuse is often on-going, involves various tactics of power and control and in many cases, physical violence may not be perpetrated at all (Stark, 2007).

Evan Stark coined the phrase "Coercive Control" in an attempt to provide a better understanding of IPV. Coercive control helps to identify all of the tactics involved in an abusive relationship, and their effect on the victim (Kirkwood, 1993). Coercive Control is a pattern of behaviour, rather than an incident, which seeks to strip a person of their autonomy, their liberty, and ultimately, their sense of self (Stark, 2007). It does not just mean a violation of their physical body, but a violation of their human rights. Starks states that coercive control explains "how men entrap women in everyday life" by keeping them in a state of fear (Stark, 2007). Within the Coercive Control model, violence may or may not be used, alongside of a range of other tactics such as isolation, intimidation, degradation, mind-games, and the micro-management/regulation of his victim's everyday life (i.e. monitoring phone use, clothing, food, activity choices). The perpetrator has a view regarding how his partner should be, and her behaviour is constantly managed and criticised (Kirkwood, 1993). She is never sure of what rules to follow, or the reaction or punishment for each choice she makes. Some suggest that coercive control is like being taken hostage and forced to live in a reality dictated by the abuser, characterised by contradiction, confusion, and fear (Stark, 2007). This fear and confusion is central to understanding coercive control. Living in this state is like walking on eggshells every day, whether at home, or outside the home.

Many women report living in a constant state of fear and anxiety, not knowing when their abuser might hurt them. In fact, many women may never be physically hurt by their abuser, but the threats, intimidation, and coercion perpetrated by the abuser can keep them in a state of fear, ensuring that they are expecting the

possibility at all times (Kirkwood, 1993). This lived-state of fear keeps many women from leaving an abuser. The fear is just as real as any possible physical pain (Kirkwood, 1993). Furthermore, during the psychological/emotional abuse, a woman may be stripped of her self-esteem and feelings of worth, believing that no one else will love her. This is a common and effective tactic used by abusers, and it is successful in keeping a victim compliant (Stark, 2007).

Criminal justice system

An adversarial criminal justice system

The purpose of the criminal justice system is to punish crime, offer rehabilitation to perpetrators, and to protect innocent members of society (Shapland, Willmore, & Duff, 1985). The state takes on the responsibility to punish the crime in the interest of the victim and the public. Whilst the criminal justice system is an important part of a society, it is not without its flaws. In New Zealand, the criminal justice system is adversarial in nature, meaning that victims are almost entirely left out of the process in which the offender is held to account for their crime(s). This is common within criminal justice systems based on the English model of criminal justice, which is the case in New Zealand. The victim's experience in the crime is side-lined, and their role is primarily that of a witness or informant. In fact, this has been the leading criticism from abuse victims about the criminal justice system. Carey (2000) explains that allowing victims to be an active part of the process would change the positioning of the criminal justice system.

In an adversarial justice system, the most convincing argument wins. To do this, the crime must be proven "beyond all reasonable doubt". Therefore, if the case goes to trial, it is the defence lawyer's objective to undermine the prosecution's case. In IPV cases, this can mean questioning the victim's credibility and reliability, and attacking their character. Abuse victims can be made out to be liars, provocateurs, and even be painted as the true perpetrator. Hartely (2003) states that due to the abuser and the victim's relationship, the defence lawyer can access far more intimate details about the victim than in other legal cases. Therefore "the defence has a great deal more 'ammunition' available to discredit the victim's testimony during the trial" (Hartley, 2003, p. 415). Of course, not all cases go to trial; in many cases, the

offender will plead guilty and the victim will not be required to give evidence. Nevertheless, the prospect of having to give evidence can be a major disincentive for women to press charges.

Hartley (2001) studied 40 transcripts from IPV prosecutions between 1989 and 1995 in Iowa. All cases involved a male perpetrator and a female victim who had at some point been in an intimate relationship in which the perpetrator had physically abused the victim. The transcripts revealed common strategies used to denigrate the victim's character, in order to discredit the victim. One strategy involved directly attacking the victim's character, making claims such as she was emotionally unbalanced, promiscuous or an adulterer, a drug abuser, or a violent person. The other common strategy observed, was the defence's attempt to call-out non-help seeking behaviours or attempts. For example, if she did not leave her abuser or attempt to seek help when the abuse was taking place, her credibility and her motives were called in to question (Hartley, 2001; Madigan & Gamble, 1991). Hartley (2001) notes that these attacks are the same that perpetrators often use towards their victims, as a way to remain in a position of power and control, and it runs a significant risk of re-traumatizing the abuse victim (Hartley, 2001).

Many women do not follow through with legal action against their abusers. Not only does entering the criminal justice system mean women will be in a position to feel re-traumatized by the criminal justice system, but many women fear there may be very real repercussions to having their abuser arrested and convicted. In fact, one study showed that this is a common reason for women dropping charges (Jordan, Nietzel, Walker, & Logan, 2004). Additionally, women report concerns regarding supporting herself and/or her children in the instance he is removed from the home as another reason for not following through with legal action (Fagan, 1996). Other reasons include their perception regarding the severity of the abuse, the slow pace in which the process takes, fear of the abuser, and doubts regarding the abuse-punishment proportionality (Dutton, Goodman, & Bennett, 1999).

Re-victimization in the justice system

There are other aspects of the current criminal justice system processes which can let women down. Herman (2005) noted that many victims feel like their needs did not matter when engaging with the criminal justice system, and that the experience left

them feeling disregarded and re-traumatized. This is not surprising given the well-documented gender bias in courts, derived from the increasingly recognised patriarchal stance of many Ministry of Justice personnel (Czapanskiy, 1990; Nelson, 1994; Schafran, 1986). Detailed questioning can re-traumatize the victim by making her recount the abuse again. Herman states “if one set out intentionally to design a system for provoking symptoms of traumatic stress it would look very much like a court of law”. This repeated trauma can seriously impact on a victim’s psychological health and well-being.

Many women who seek help through the criminal justice system also end up being punished one way or another. Being blamed for the abuse is a common experience women discuss, which is often paired with the threat to remove her children if she continues to press for justice (Rubin, 2003). In a study of women in Nova Scotia (Rubin, 2003), women who were forced into criminal acts (i.e theft, prostitution, drug use), often by the abuser, were told that they must “take responsibility” for their crimes if they wanted to participate in restorative justice (Rubin, 2003, p. 11).

Furthermore, the use of IPV myths in the courtroom can re-traumatise women. Despite the fact that IPV myths are inaccurate views and beliefs about IPV and IPV victims, they are still frequently invoked (Erez, 2002). Some IPV myths are related to ideas around the severity of the abuse (can it be seen?), her reluctance to leave (it cannot be that bad, and provocation (it's her fault); she deserved it (Erez, 2002).

Along with the re-traumatisation at the hands of the criminal justice system, the abuser can also find ways to re-traumatize a victim within this process. Studies have shown that some victims are re-abused prior to trial, often in an attempt by the offender to get them to withdraw from the prosecution. Ford and Regoli (1998) found that many women were intimidated by their abuser and 27% of victims were abused again when women had sought legal help from the court. Another study found that nearly half of their sample had received threats of physical violence if they continued to seek legal protection through temporary protection orders (Klein, 1996). These examples provide documented evidence for the fear women report when engaging with the criminal justice system, as well as outlining the lack of support they receive (that is required) in order to safely engage with this system.

Feminist scholars often refer to the criminal justice system as a patriarchal system itself. This reality makes it extremely difficult to tackle the power dynamics that are often dominant in abusive relationships, within a system that often shares patriarchal beliefs about violence towards women (Lewis, Dobash, Dobash, & Cavanagh, 2000). Lawyers, judges, and juries have all played a part in women's distrust for the criminal justice system due to well-documented trivializing of the abuse committed against her (Czapanskiy, 1990; Nelson, 1994). Furthermore, the poor treatment of victims, when combined with few perpetrators being convicted and a perception of lenient sentencing, could tacitly signal to society a “decriminalisation of IPV”.

A retributive system

In contrast to Restorative Justice, the conventional criminal justice system is viewed as "retributive". The differentiation between the two approaches situates Restorative Justice as being a "better" approach to dealing with crime (Bazemore & Umbreit, 1995). However, some critics reject the notion that the criminal justice system is too retributive when it comes to IPV. In fact, it could be argued that the criminal justice system has only recently begun to "punish" crimes of IPV with any seriousness (Gracia, García, & Lila, 2008). For example, until relatively recently Police would largely dismiss acts of IPV as a private matter rather than take the offender to court (Cho & Wilke, 2010). Many authors have drawn attention to the leniency with which the courts have dealt with perpetrators of assault partners compared to perpetrators of assault against other people (Buzawa & Buzawa, 2003; Cho & Wilke, 2010). There have been advances: the ability for women to give evidence via video link or from behind a screen so that they are screened from their abuser is an example. Despite these sorts of changes, many women report being re-victimised within the criminal justice system, and still, many abusers go either unpunished or, receive very light sentences. However, the addition of restorative justice should not hinder women's right to justice or a violence-free existence.

Restorative Justice

Definition

The definition of Restorative Justice is still evolving. Definitions have developed from the general, to much more specific regulations for what makes this form of justice 'restorative' (Curtis-Fawley & Daly, 2005; Marshall, 1996; McCold, 2000). With regard to Restorative Justice as a practice, Marshall's (1996) early and general definition states that Restorative Justice is "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (p. 37). This definition has since been developed upon and advanced into a definition that is often illustrated in a Venn diagram (McCold, 2000).



Figure 2 McCold and Wachtel's restorative justice typology.

Source: McCold and Wachtel (2003: 3)

It is suggested that there must be appropriate overlap between offender responsibility, victim reparation, and communities of care reconciliation, for the process to be fully restorative (McCold, 2000). In the context of the Venn diagram, the middle emphasises the use of circles, Family Group Conferencing, and Restorative Justice conferencing (McCold, 2000). On the outskirts lie less restorative practices due to elements such as less collaboration with family and community, and

less importance on the emotive needs of all those involved (McCold, 2000). For the purpose of this research, defining Restorative Justice in the context of IPV is important (Curtis-Fawley & Daly, 2005). To understand Restorative Justice as a practice, the idea of restoration needs to be explored.

What is restoration?

The idea of restoration differs between cultures and has changed over the years. For many indigenous cultures, a balance in the cosmos (or the universe) is essential. Various transgressions, including assault against family members, are understood as threatening this balance - which needs to be restored. For Māori, this may require *utu*, defined in the online Māori dictionary (n.d.) variously as revenge, payback, compensation, and reparation. *Utu* is needed to keep the human and non-human worlds in equilibrium (Quince, 2007). Therefore, seeking restoration is viewed as imperative to the whole community, and is approached as a collective duty. This is a stark difference to the individual approach Western society takes to repairing harm. Restoration after a transgression was attempted in a number of ways. Generally, a peaceful arrangement would first be attempted (Quince, 2007). This may have included a repayment with goods or services from the offender to the victim or their community, or from the offender's community to the victim or the victim's community (Deer, 2004). However, if a peaceful restoration is not made, restoration may be made through physical force, or even death (Deer, 2004). While indigenous Māori look to repair relationships and communities after crime, restoration still ranged from public shaming, to death (Quince, 2007). Stephanie Milroy (1996) has described an example of *utu* in relation to domestic violence in her Whānau in the early twentieth century in which the offender's Whānau agreed to pay monetary compensation to his victim's Whānau. Similarly, in North America an early European observer testified about Middle Atlantic Indian colonies in the 18th century stated that Indian men who committed rape were often sentenced to death (Deer, 2004). In Aotearoa, such practices were also known among *iwi* (Jackson, 1993).

For some indigenous communities, certain transgressions are such that the balance cannot be restored unless the offender is banished (Deer, 2004; Hand, 2012). For many indigenous groups, to be banished is the ultimate punishment (Hand, 2012). Banishment not only removes you from your community, but essentially means you do not 'exist', and without your community to support you, you would

likely die (Deer, 2004; Hand, 2012; Quince, 2007). The idea of banishment has recently become common again, and for some North American tribes: crimes involving drugs are an ideal prerequisite to banishment (Hand, 2012). However, to many indigenous today, banishment in the modern world means to be banished to the western justice system.

A Brief History of Restorative Justice

It is common belief the Restorative Justice practice we have today, is a development upon an indigenous justice model (Umbreit & Zehr, 1996). More specifically, the first examples of restorative practices being adopted into institutional practice was the introduction of Family Group Conferencing in child protection and youth justice matters (Daly, 2002). These were recommended by the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare (1988). The committee was established in response to concerns of racism within the Department, its recommendations were, broadly speaking, a response to Māori asking for their inclusion in decision making concerning Whānau (Daly, 2002; Wachtel, 2013). Māori desired an opportunity for collective, Whānau, involvement, the use of culturally appropriate venues, and suggested a mix of culturally appropriate practices due to New Zealand's diverse minority group population (Daly, 2002). Family Group Conferencing is still used in New Zealand for both child protection and youth offending. In respect to the later, a major aim is to help the offender understand their offending, feel remorse for their victim, and make appropriate changes to reduce reoffending (Ryals, 2004)

While Daly (2002) suggests Restorative Justice commenced as a form of justice in the 1980s, Wachtel (2013) suggests Restorative Justice originated even earlier; in the 1970s. Wachtel (2013) relays a narrative about to a probation officer arranging for two youth offenders to meet his victims face-to-face. This led to the first known victim-offender reconciliation programme in Canada. The idea of the victim-offender meeting was then given titles such as victim-offender mediation. Later, families and communities were involved and referred to as conferences or circles.

Maxwell and Morris (1993) suggest that Restorative Justice practices are not an imitation of indigenous Māori practices; rather they are an attempt to be culturally appropriate stating:

A distinction must be drawn between a system, which attempts to re-establish the indigenous model of pre-European times, and a system of justice, which is culturally appropriate. The New Zealand system is an attempt to establish the latter, not to replicate the former. As such, it seeks to incorporate many of the features apparent in Whānau decision-making processes and seen in meetings on marae today, but it also contains elements quite alien to indigenous models (1993, p. 4).

Ultimately, Restorative Justice conferencing is suggested to be better seen as an integration between informal indigenous cultural values, and a bureaucratic, and complex form of practice (Daly, 2002).

Today, there are many forms of Restorative Justice. Under the Restorative Justice ‘umbrella’, there are different models that are used to bring offender and victim together. conferencing, Circles, victim-offender mediation, Family Group Conferencing, and restorative practices in schools are just some of the models being utilised to restore - at least in theory - the lives of the victim's and offender's families, communities, and to provide justice for victims (Ryals, 2004). While Restorative Justice is more commonly known to represent all models, in New Zealand, Restorative Justice refers specifically to Restorative Justice conferencing (Ward, 2008). Therefore, I will refer to Restorative Justice in a New Zealand context as Restorative Justice conferencing. Restorative Justice conferencing is similar to Family Group Conferencing in that it emphasises the use of a support network for both the victim and the offender (Garber, 2016). These support networks should include members of their families, and their communities (Garber, 2016). Theoretically, the inclusion of community gives the power back to those affected instead of just the court. While Family Group Conferencing has an apparent focus on the offender, some argue that Restorative Justice conferencing is more victim-centred (Edwards & Haslett, 2003; Umbreit & Zehr, 1996).

Restorative Justice is often preferred to the criminal justice system as many have found the justice system to be unfair, and failing to meet the needs of victims, offenders, and their families (Cameron, 2006; Garkawe, 1999; Zehr & Mika, 2003). Zehr and Mika (2003) quote a Māori participant involved in their study into the

fundamental concepts of Restorative Justice, stating the following about the criminal justice system.

[The criminal justice system is] very cold, unnatural ... you go in alone, you stand alone. If you're lucky, you get to say what you want, but usually not the way you want to ... if you're the victim you seem to get no say. The lawyers, judges, police, they rule everything that goes on ... only those with degrees can talk" (p. 47).

As discussed above, the criminal justice system often leaves those involved feeling they are ignored, feeling left out of any decision making, and feeling that the victim's needs are not being met (Zehr & Mika, 2003).

Restorative Justice conferencing as part of the Criminal Justice Process

The academic literature first discussed the idea of restoration as justice in the 1970s (Barnett, 1977); however, the idea of a restorative approach rather than the conflicting rehabilitative and retributive views, is now considered an appropriate 'other' option (Latimer, Dowden, & Muise, 2005). Restorative Justice is offered as a way for an offender to apologise to their victim, take responsibility for their offending, attempt to put right the harm caused, and create a plan to reduce the likelihood of reoffending (Fox, 2015). In New Zealand, a judge may offer Restorative Justice conferencing before sentencing if the offender has pled, or been found guilty (Ministry of Justice, 2011); however, there are sometimes opportunities to engage post-sentencing (Ministry of Justice, 2011). Once a Restorative Justice Conference has been considered to be appropriate for a case, a pre-conference meeting is held with a trained facilitator, who will also mediate the conference (Ministry of Justice, 2011). The victim, offender, and their support people, will attend separate pre-conference meetings in which the process will be explained to them (Ministry of Justice, 2011). If the facilitator believes the conference can jeopardise the safety of any participants, they can call the conference off. If the conference takes place, the victim (or representative) and offender, along with their support groups, will attend the conference face-to-face (Ministry of Justice, 2011). If the facilitator is able to help the victim and offender come to an agreement with regard to sentencing, and other aspects that may help 'make right' the offenders wrong-doings, then these will be presented to the judge for consideration (Ministry of Justice, 2011). The judge is under no obligation to put the agreement in effect (Ministry of Justice, 2011).

Outline of the Restorative Justice process

The Restorative Justice Best Practice Framework outlines six principles that must be upheld. First, participation must be voluntary. Second, the victim and the offender are the main speakers and decision-makers in the Restorative Justice process. Third, participants are informed and know what to expect. Fourth, the offender is held accountable for their crime(s). Fifth, the Restorative Justice process can be altered to meet the needs of the participants. Lastly, the Restorative Justice process ensures that participants are kept safe. These principles are in place for all types of Restorative Justice, including FVRJ. Below, I will provide an outline of the Restorative Justice process that is in place for all types of Restorative Justice conferencing.

The first official step in the Restorative Justice process outlined in the Restorative Justice Best Practice Framework is the receiving of a referral. This referral is assessed for its appropriateness for a FVRJ conference. Once the referral is accepted, contact is made with the offender, and the victim, separately. At this time, potential participants will decide whether or not they wish to engage with the Restorative Justice process. Support networks will be discussed, and other technicalities such as time and date will be arranged. The pre-conference meeting is then arranged. The pre-conference meeting gives the facilitator an opportunity to assess whether or not they will take the case to conference. During the pre-conference meeting, the facilitator will acquire the informed consent of the abuser, the victim, and any support people. Additionally, the facilitator will complete a conference risk assessment and prepare a conference risk management plan. This involved analysing the suitability of participants for a conference, exploring how the victim and the abuser each feels about the crime committed, accountability, and any effects the crime has had on others (such as children). The conference and conference logistics will then be arranged.

The conference will take place as arranged. During the conference, it is the facilitator's responsibility to make sure everyone is safe while discussions are taking place. The outcome of the conference is decided by the participants. The facilitator will make sure the outcome agreement is realistic, specific, measurable, and is time-bound. The monitoring of the outcome agreement is discussed and agreed upon by the participants, and the provider will make sure agreements are carried out. Finally, a

post-conference report will be written for the court, and will include the details of the conference, and all monitoring agreements.

Debating Restorative Justice in IPV cases

The use of Restorative Justice in cases such as family violence been vigorously debated. Firstly, it must be noted that before the colonisation of Māori in New Zealand, Māori based their restorative process on a value system that protected women from harm. Whole communities were involved in the restoration of harm, perpetrator accountability, and the protection of the women. There is a stark contrast between the indigenous culture in which a restorative approach to IPV was practiced, to the patriarchal society in which we attempt to practice it today.

New Zealand's guidelines for practicing Restorative Justice, emphasises caution when considering family violence cases, and suggest only including them on occasion, and when necessary (Ministry of Justice, 2011). Arguments for restorative justice in IPV cases are based on the principles of Restorative Justice itself. That is, strengthening the support networks which are generally that of the family (Edwards & Haslett, 2003). Additionally, Edwards and Haslett (2003) suggest that the victim can benefit from telling their story directly to the perpetrator, and potentially receive a face-to-face apology. They suggest that this can empower the victim by giving them a voice, and begin to repair some of the damage been caused. Edwards and Haslett (2003) also state that the Restorative Justice process has often led to forgiving the offender, reconciliation of the partners, and closure for the victim. However, Daly (2005) suggests that victims rarely simply want an apology, and that there is evidence that victims actually want the offender to be 'punished'. This is suggested to help the victim feel that they have support from the community and that the offender's crime has been recognized as that (Daly, 2005).

The Ministry of Justice has previously commissioned an evaluation into Restorative Justice Conferences. The report stated that the majority of victims who have engaged with FVRJ are satisfied with the conference itself (Ministry of Justice, 2016). Victim satisfaction is often used to measure the effectiveness of a service. However, victim satisfaction does not tell us about service outcomes, and does not

provide us with any information regarding women's safety before, during, or after a conference (Lee, Guy, Perry, Sniffen, & Mixson 2007).

According to Sharman and colleagues (2007), positive outcomes may, and often do, result from FVRJ. Ultimately, the offender may receive a reduced sentence (if that is agreed, and considered appropriate by the judge), while the victim is likely to ask for answers to their questions with regard to the offence (Sherman, Strang, Barnes, Bennett, Angel, Newbury-Birch, & Gill, 2007). However, critiques have been made with regard to the practice benefitting the offender more than that of the victim. The offender receives rehabilitation, and may actually be the one to apply for a Restorative Justice conference (Mika, Achilles, Halbert, Lorraine, & Zehr, 2004). The offender may benefit greatly from the process (Hayden, 2012). Mika, Achilles, Halbert, Lorraine, and Zehr (2004) state that "Where offenders are provided help to change their lives, but victims are not provided help to deal with their trauma, victims feel betrayed by the offender-orientation of restorative justice (p.33)". The benefits of Restorative Justice are sometimes considered to outweigh the possible concerns that may result from the practice. However, all limitations need to be considered. Below, I will briefly discuss the main concerns related to this research that will be explored more in the discussion section.

Coker (2002) argues that there are "no clear principles for dealing with crimes, such as domestic violence, where the majoritarian opposition to the crime is weak or compromised" (2002, 129). This statement raises important questions about the use of restorative justice for family violence cases in contemporary New Zealand. Coker argues that if there is no explicit denunciation of IPV through the justice system, an abuser's violence is minimized, and a victim may not be convinced that she has the right not to be abused (Coker, 2002). Frederick and Lizdas(2003) support Coker's argument stating "The involvement of the community in intervening [in domestic violence] might be dangerous or ineffective because of a lack of community consensus that domestic violence is wrong" (2003, p, 25). Even if those involved are opposed to IPV, a weak understanding of IPV can be just as dangerous. Whilst the literature on Restorative Justice does commonly focus on safety issues when dealing with IPV and Restorative Justice conferencing, this critique followed by a lack of understanding regarding IPV, holds little value (Stubbs, 2004).

A significant safety concern when dealing with IPV is the high probability of the abuser and the victim maintaining an intimate relationship after a conference. Restorative Justice treats violence as a "one-off" incident, rather than an incident amongst many episodes of violence, despite IPV being widely accepted to be an ongoing occurrence. Additionally, this one-off approach is limited in what it can achieve for victims of repeated abuse, and it ignores the danger a victim faces once the conference is over.

IPV means a loss of power for the victim, especially when she has been dominated and manipulated on a regular basis (Stark, 2007). One of the assumptions of Restorative Justice conferencing is that a victim and an offender will enter the conference on a level playing field. However, in these cases, this is impossible. The appropriateness of having victims and abusers face each other in a negotiation over crime and restoration has been highly criticised. Furthermore, the power imbalance that occurs in an abusive relationship can go unchecked within a conference, especially if facilitators do not have the skills to notice it and intervene effectively. This can reinforce violent behaviour as the abuser gets away with this behaviour, again.

Many of the characteristics of an abusive relationship can be mimicked in the Restorative Justice process. Coercion to attend either by Ministry of Justice personal or by the abuser, mirrors the coercion that has already taken place in the relationship. Coercion does not have to have statutory backing to ensure compliance. Some participants have reported feeling pressured to participate even if they did not want to (Zernova, 2007). Additionally, given the time between a guilty plea and the conference, it may be that the offender has extensive access to the victim.

Another characteristic that IPV relationships and FVRJC share is that of an apology. Though an apology is not the main aim of a conference, it is encouraged. An apology from the abuser after the abuse is a common pattern of an abusive relationship (McCullough, Rachal, Sandage, Worthington, Brown, & Hight, 1998). This characteristic abuse-remorse-abuse cycle, challenges our perception of the importance and sincerity of an apology. Within the Restorative Justice Conference, a genuine apology cannot be assured either, and a false apology can be dangerous. Studies have shown that an apology can influence a sense of empathy for the abuser, and a reluctance to punish them appropriately for their crime(s) (McCullough,

Rachal, Sandage, Worthington, Brown, & Hight, 1998). Again, this creates a possibility for IPV to go unpunished, or at least punished to a lesser degree (Allan, Beesley, Attwood, & Mckillop, 2014).

The mixture of societal acceptance of IPV, a power imbalance, the possibility of coercion, and the possible limitations of an apology, can all lead to a more lenient sentence for the abuser. This can send a message to the abuser (and other potential abusers) that their violence wasn't "that bad", or even, acceptable

The very structure of FVRJ reduces offender accountability. Accountability is obtained when the crime is publicly denounced, and there is an assurance that the abuser will take ownership of that crime, along with the appropriate steps to restoration. The abuse is more public in a courtroom, and the abuser is limited in what he can say about the abuse and the victim. Within a conference setting, there are only a limited number of people available to hear about the crimes which have been committed, and the abuser has the ability to speak for himself, and can even speak to, or about, the victim. Accountability can be limited if the abuser chooses to discredit the victim in any way, or defend his abuse.

Finally, FVRJ has been criticised as a re-privatization of IPV. Feminist advocates have managed to push IPV into public view, and legislation helps to show that IPV is not a private matter. However, there have been concerns about the informal processes of FVRJ compared to that of the criminal justice system court process. Cameron (2006) suggests that taking family violence in to a separate venue, away from the court, and discussing it to a point in which it could be resolved in a mediated setting, reflects a re-privatization of IPV.

Whilst the criminal justice system has, over time, taken a harsher stance against IPV, the addition of FVRJ has been problematic. The critiques of FVRJ for cases of IPV outlined above, are central to this research. These issues all pose a significant safety issue to abused women engaging with FVRJ.

Research aim

Restorative Justice conferencing is suggested to be an important step in the sentencing of offenders in New Zealand (Ministry of Justice, 2011). While Restorative Justice conferencing is often considered to be effective, its use in IPV

cases has been debated (Busch, 2002). The safety concerns that arise due to power dynamics between offender and victim, and a possible history (and future) of abuse, need to be understood more clearly and acknowledged as a substantial risk factor for victims engaging in the Restorative Justice process (Busch, 2002; Hayden, 2012; Stubbs, 2002). The risk to victims of abuse can only be accurately viewed through a feminist lens. Both historically, and currently, dominant patriarchal thinking has not allowed for IPV to be prevented, and actively aids in the substantial perpetration rates we face in New Zealand, and around the globe. Therefore, this research uses a feminist lens to explore key informants' perceptions of the use of FVRJ for abused women especially in relation to their physical and psychological safety.

Chapter 3: Methodology

This research was conducted through the use of semi-structured interviews with key informants. The rich information that can transpire with interviews gives individual perspective and deep personal analysis of an issue that is hugely complex. For this reason, my methodology is particularly valuable for researching the concerns regarding FVRJ for victims of IPV.

I will present below my reasoning for the use of qualitative methodology, as well as the logic for viewing my data through a feminist lens. I aimed to capture the thoughts, opinions, and concerns that my key informants wanted to express, and to analyse their narratives within a feminist framework.

Qualitative Research

The overarching themes explored in my research required in-depth conversation with my participants. This is because the issues that are being explored contain challenging concepts. Therefore, qualitative research methods were adopted for this research. Qualitative research methods are widely used to obtain the voices of women that are often hidden or misconstrued using quantitative methods. Qualitative research removed many interpretation barriers and allows the researcher to draw deeper meaning from the data (Breakwell, Hammond, Fife-Shaw, & Smith, 2006; Thomas, 2011).

The Feminist lens

Feminist research often utilises qualitative research to engage with women's lived experiences, ideas, and concerns (Campbell & Wasco, 2000). Valuing and expressing the issues that women are passionate about is not only empowering for women, but allows their voices to put change into motion (Hemmings, 2012). Feminist research must consider patriarchal ideals that shape people's worldviews, and attempt to deconstruct them through women's own narratives (Campbell & Wasco, 2000).

Reconstructing knowledge and presenting women's narratives rightfully as truth, is an empowering notion. It challenges the position women have been oppressed into and allows for more equal representation of knowledge (Campbell & Wasco, 2000). Presenting women's narratives repositions them onto a more powerful

platform. Feminist standpoint theory suggests that this platform can allow us to truly understand the lived experiences of women, rather than accepting discourse from sources who prioritise their opinion over women's reality (Hemmings, 2012). The voices of marginalised and dominated individuals are especially important to hear if research is to contribute to a social justice agenda. Women living in a patriarchal society negotiate two sets of knowledge - the dominant discourses that patriarchy has shaped, and women's views on reality. Thus, the "dual consciousness" is created (Nielsen, 1990). This dual consciousness allows for a more comprehensive outlook on society, and allows women to present a more accurate and valuable discourse regarding their experiences. This is incredibly important for researchers to appreciate and utilise in order to promote a healthier society for women to engage with (Allen & Baber, 1992).

Preliminary Research

Before I conducted my research I contacted multiple people in Hamilton who could give me insight that may be useful when conducting this research. This included conversation with people within the Family Violence sector, as well as lawyers, New Zealand Police, and the Department of Corrections. The conversations provided helpful insight into IPV and Restorative Justice, as well as views on FVRJ. I was also able to gain the perspective of Māori on this research, and included their recommendations into the way this research was conducted.

Recruitment

Following Ethical approval (obtained 04/08/2017) I began recruiting participants (Appendix 1). Initially, it was my aim to recruit women who had engaged with FVRJ as a victim of IPV. I had intended to seek and represent the voices of abused women and present their experience of safety in this context. I distributed information posters around the University of Waikato, to victim support agencies, Restorative Justice agencies, Police, Integrated Safety Response, and community support services around Hamilton. In addition to the posters, I made phone calls to most of these agencies. Unfortunately, my attempts to contact women were unsuccessful. Some agencies were concerned that participating in the research might jeopardise women's privacy. Other agencies were simply unable to find potential participants who had engaged with FVRJ. Consequently, I recruited key informants.

I recruited key informants who had experience with FVRJ. It was imperative that they had a sound knowledge of IPV, and personal experience with the service. Whilst I attempted to approach participants through a number of agencies, participants were ultimately recruited through the Department of Corrections, Women's Refuge, and through referrals from other participants (snowballing). An attempt was made to contact potential participants from a variety of districts, which was successful. All participants were contacted initially by email. Once a response was made indicating interest in participation, an information sheet (Appendix 2) and consent form (Appendix 3) was emailed in return, and further communication was made to arrange an interview time.

Participants

Because this research was qualitative in nature, the sample of participants was relatively small. Five participants were recruited. This sample size is normal for research that offers rich, in-depth data, which was evident in the interviews I conducted. It also reflects the difficulty I faced obtaining willing participants for this research. Comments from those within the family violence sector suggested that there is a fear within the Ministry of Justice that FVRJ will be portrayed unfavourably, and therefore, would be reluctant to participate in this research. In saying this, I was pleased to recruit two FVRJ facilitators who provided invaluable information in their interviews. My other key informants were two family violence specialists and a clinical psychologist. All participants were women which is beneficial from a feminist standpoint perspective. The first family violence specialist was recruited through women's refuge, and the second was recruited through the Department of Corrections. The first FVRJ facilitator was recruited through one of the family violence specialists, and the other was recruited through the first FVRJ facilitator. Finally, the clinical psychologist was recruited through my personal networks. All but one of my key informants explicitly stated that they have also experienced IPV. This knowledge enriched their interviews as it was evident that they understood IPV in all of its complexities.

Ethical considerations

This research project was approved by the Human Research Ethics Committee (Health) of the University of Waikato (Approval number 17:49).

Informed consent

My participants gave their full and informed consent to participate in this research. It was important to me that my participants knew the nature of my research and their rights to privacy. In this case, participants were also informed of the possible limitations such as anonymity. That is, even though I used pseudonyms instead of names and withheld other information which could easily identify them (such as organisation and place names) I anticipated that it was possible that people who know them well may be able to identify some participants. It was also important that my participants knew of their right to withdraw from the research. This included the right to end the interview at any point. Similarly, I ensured the participants knew how their information would be stored, and the use I would make of it. All of these arrangements were included in the information sheet. I checked that the participants understood the information sheet and gave them the opportunity to ask questions before confirming their consent to participate.

Interviews

The interviews were semi-structured (Appendix 4) to give the participants an opportunity to share their views on Restorative Justice in general, FVRJ, the process, the outcomes, and any concerns or advantages they see with using FVRJ. Open-ended questions allow the participant to explore the subject thoroughly, as well as allowing the participant to steer the conversation where they need to. Because the interview is a negotiated dialogue, I was also able to lead the conversation accordingly (Yin, 2011).

Interview process

Interviews were based on a semi-structured interview schedule and were developed specifically to derive information on women's safety while engaging with FVRJ. All interviews were conducted one-on-one, and face-to-face. Interview questions were open-ended in order to explore participant's thoughts more deeply. The interviews were recorded. The interviews varied between approximately an hour to two hours in length. They were transcribed manually into separate Word documents, at the University of Waikato. Each participant received the quotes I intended to use in my thesis. I gave my participants an opportunity to comment on the quotes I had

chosen, and to assure me that they were happy with me using them in this thesis. Each participant will be given a link to the completed thesis once completed. Data was obtained over a three month period.

The interviews were conducted at a location agreed upon by the participant or myself. These locations were either at my participant's workplace, or another location chosen by them. All interviews began after the consent form had been signed, and I was assured the participant had copies of both the consent form, an information sheet, and an interview guide. The interview guide provided them with all of the topics I expected to cover within the interview. The interviews were approximately 1-2 hours in duration.

Either before the interview or in the beginning stages of the interview, I took the opportunity to explain to my participants where I stand in regards to my research topic. I explained that I am a survivor of IPV, and that my concerns lay with the safety of the women who engage with this service. I gave my participants an opportunity to ask questions about the research, and they indicated they were satisfied that I had given enough time for them to do so on the consent form.

The interview covered topics such as Restorative Justice, FVRJ, a woman's psychological and physical safety throughout the process, re-privatization of IPV, and justice outcomes. The responses the women gave to each question guided the rest of the interview, and what was discussed in succession. If clarification was needed, I probed as necessary. Some of my participants required more probing than others, specifically around questions that related to "grey areas" within FVRJ such as the support victims receive within a conference.

At the end of each interview, I thanked the women for participating and asked that they would recommend other participants with shared knowledge or concerns regarding FVRJ which most participants were happy to do. I continued to contact my participants as needed, via email. This was to clarify comments made in the interviews, or as I requested new information that was important to my thesis findings.

Thematic analysis

Data analysis began during the data collection process. Themes appeared with each completed interview, and these themes may have shaped the following interviews accordingly. This is common in qualitative research (Hesse-Biber & Leavy, 2007).

The interviews were completed and transcribed within a short time-frame post-interview.

Interviews can provide large amounts of rich data that the researcher must carefully break down to make analysis more manageable. I used thematic analysis was the method used to categorise this data set into themes and concepts. This method also allowed for the data to be interpreted in a way that keeps women's views in context (Jayaratne & Stewart, 1991). I immersed myself in the data by reading and re-reading the textual data, and listening to the audio recordings multiple times. The data was read analytically and critically, and notes were made as thoughts, questions, and concerns came to mind. The codes that were used came directly from the language participants used and the concepts they discussed, as well as from the frameworks in which this research was conducted. Once codes were identified and labelled, themes began to emerge. Anything that was relevant to a particular theme was colour coded for easy navigation.

The rich, deep information that is obtained through this method provides a unique insight into the participant's thoughts, as well as being able to make comparisons between them (Nowell, Norris, White, & Moules, 2017). Strategies were used within this research to take what participants explicitly stated and utilize this knowledge, as well as making some assumptions based on the theoretical constructs that underlie this research. This means that the data was broadly interpreted from a feminist theoretical framework.

Chapter 4: Findings

Safety

“We’re looking to take her into a process that can’t keep her safe”

(Maria; Facilitator 1)

The issue at the core of this research was women's safety while engaging with FVRJ. Ensuring victim safety throughout the Restorative Justice process should be top priority. However, my key informants were not convinced that victim's safety was prioritised, recounting a number of occasions in which it was clearly compromised.

My key informants discussed many concerns regarding physical and psychological safety. While it is true that, typically, it is an act of physical violence that brings offenders into the criminal justice system, my key informants were keen to stress that psychological safety must also be taken into account; that in many ways, this can be just as harmful as the physical violence, a view well-supported by the literature (e.g. Coker, Smith, Bethea, King, & McKeown, 2000). Additionally, it was noted that it is the psychological violence that is more likely to occur within a conference, albeit that such violence can be hard to detect.

The safety issues that arose in this research are presented below. Broadly, the chapter considers safety issues as they arise at various stages of the restorative justice process: namely setting up the conference, the conduct of the conference and the post-conference period. But first, it is useful to consider some socio-cultural issues which may have an impact across all three stages.

Socio-cultural attitudes

Problematic socio-cultural attitudes regarding IPV were apparent to all of my key informants, and most believed that these attitudes had a detrimental impact on FVRJ. Additionally, most of my key informants suggested that violence-supportive attitudes and beliefs that down-play men's violence towards women, reduce perpetrator accountability and responsibility for eliminating violence towards women. This, in turn, perpetuates male violence towards women and continues to be a major safety concern. Some spoke of the dominant patriarchal structure, and others spoke of the effects of this such as familial biases and victim-blaming.

The influence of a patriarchal system on male violence towards women is well established in the literature and well known to my participants (Dobash, & Dobash, 1979; Glick, Sakalli-Ugurlu, Ferreira, & Souza, 2002; Lenton, 1995; Pence & Paymar, 1993; Peek, 2006; Smith, 1990). One of my participants discussed how men's violence towards women is extremely complex in a conference situation because women have also been shaped by patriarchal ideals to take on responsibility for the emotional well-being of their partners. This can undermine attempts to hold perpetrators accountable. Maria explained:

so it's really about him being held accountable without her making it okay what he did, cause, I don't think women feel okay with men having to sit in their shit, actually, I call it shit; emotions. You know, about having to feel bad about what they did. Actually they need to sit there and feel really bad about what they did cause what they did was not okay, but I don't think women cope with that particularly well, we tend to go into rescue mode pretty quick on that, so we're working on quite a fine balance to keep her out of that, and him in it (Facilitator 1)

The idea that women are responsible for the majority of the emotional work in a relationship has been much-discussed in the literature (e.g. Duncombe, & Marsden, 1993). Thus, as Maria points out, when Restorative Justice is used in cases of IPV, women come to the conference not only in the role of an aggrieved victim but may also engage as someone who has been heavily socialised to care for the perpetrator: to protect him from his own pain. While victims in other forms of crime may, in the course of a conference, come to have some empathy for the offender, a victim of IPV starts in a somewhat different position in relation to encouraging the offender to accept responsibility for their offence (Wright, 1996). That is, the way women are socialised to be their partner's carer works to undermine offender accountability.

Patriarchal ideals were also discussed in relation to the way in which women are treated and viewed by some Ministry of Justice personal within the CJS. Some of my key informants were concerned about the dominant male presence with regard to Ministry of Justice personal, especially judges. Fears were raised specifically around the leniency men receive regarding their violence, and how these societal beliefs may shape the outcome within the court. Aroha explained this issue in relation to judges stating

They're dealing with family violence cases and they think they know it, but don't. They know it from their narrow lens, but they don't know much about women's lived experiences

of Family Violence because they're privileged and they live in a society where they don't get to see much of that apart from what they see in the courtroom, which doesn't often encompass the victim's voice. So they may have the same patriarchal attitudes that men in general can have, you know, oh she's brought it on herself, oh look she's provoking him and I've talked to judges who have said things like that. Let's just blame the victim, again, for the situation that she finds herself in (Family Violence Specialist 2)

The way some male judges blame – at least in part – women for being abused, sympathise with the perpetrator and impose sentences much more lenient than for similar assaults against strangers has been well documented in the literature (Belknap, 1995; Buzawa & Buzawa, 2002; Koss, 2000). While restorative justice can be seen as taking some power away from the judge and giving more power to conference participants, judges still play a pivotal role in steering cases towards restorative processes and in imposing the sentence after the conference. As Aroha suggests, certain male judges may have a strong bias towards the supposedly therapeutic approach of Restorative Justice in a way which implicitly puts at least some of the blame on the women and undermines offender accountability

Familial bias and victim-blaming

Familial bias was a significant talking point in relation to socio-cultural attitudes. Some participants discussed how family members are reluctant to believe someone they are close to would commit IPV, and this often leads to blaming the victim (at least in part) for the violence committed against them. Aroha explains that Whānau many seem "safe", but in reality then hold "abusive kinds of beliefs themselves" (Family Violence Specialist 2). One facilitator explained just how strong familial bias can be stating that it wasn't until she provided video evidence to the mother of a violent son, that the mother believed he had actually been able to commit such a violent act. This example illustrates just how strong familial ties can be, and also, how problematic when attempting to seek justice for such crimes. Video evidence of a crime is not commonplace, meaning that most familial biases will remain preserved.

IPV victims are aware of the societal attitudes towards them, and many internalize these beliefs. Therefore, one of my key informants explained that victims often keep the abuse quiet from family members stating

They actually keep it secret from their families, more so than anyone else. There is shame for her, there's the fear of blame from the stigmatization, you know there's a whole heap put on her. . . . [family] may believe that she's also culpable for his violence or where he got to (Yvette; Family Violence Specialist 1)

One of my participants explained that when family do know that abuse has taken place, it's usually a "whitewashed story", often portraying the victim as equally responsible for the violence. Another participant suggests that abuser-supportive or victim-blaming beliefs may lead family and friends to choose not to support the victim.

Socio-cultural attitudes continue to arise as a significant concern in relation to IPV. As discussed, they appear to work to undermine attempts to hold to account for their actions. The impact of these attitudes can be seen in encouraging women to care for their abuser and blame themselves for the violence, in family collusion with the perpetrator and in shaping the attitudes of judges. Furthermore, dominant ideas about gender and violence can prevent victims from being able to openly seek help either within their communities, or from professional organisations because victims know they are likely to be blamed for the violence. My key informant's views on socio-cultural attitudes with regard to IPV were consistent with the literature, reinforcing that a cultural tolerance of IPV is prevalent and harmful.

Cultural appropriation

As discussed in chapter one, Restorative Justice has been derived from an indigenous model of righting wrongs. However, most of my key informants were concerned about the way this model has been transplanted into a Western criminal justice system. That is, while most of my participants were able to identify where the "idea" of Restorative Justice came from, they were sceptical about the way it is delivered in practice. Of particular concern, was how Restorative Justice is now practiced in a very western-European way. A family violence specialist suggested a more appropriate approach would be to "take it back to a marae" (Aroha; Family Violence Specialist 2) rather than practicing justice in a way that disadvantages many IPV victims and abusers who are indigenous.

The Western way in which Restorative Justice is conducted was viewed by some of my key informants as an individualised process. Many suggested that a truly indigenous approach would provide better abuser accountability as his violence would be exposed to a much wider audience. Yvette (Family Violence Specialist 1) gave a personal example of a case in she called on the abusers family to intervene, stating "*I wanted them to take responsibility for their family member, which in*

traditional times, would have occurred". Additionally, issues such as follow up post-conference were believed to be better mitigated through a truly indigenous response to injustice which would potentially utilise a large community, suggesting that the indigenous forms of offender accountability would help protect women better.

As discussed in chapter one, indigenous restorative practices focus on what is needed to restore the mana and well-being of the victim and/or their Whānau. In contrast, Maria (Facilitator 1) was concerned about how the current Restorative Justice approach, in general, is more about reducing re-offending quickly and cheaply, rather than on victim needs stating *"it is very Western and it's very money orientated. So we want recidivism down, as quick as we can, at the least cost... so I think we've moved away from [victim's needs] to process and money"*

Incidents of violence vs a pattern of control

A significant concern that challenged the way FVRJ is currently practiced was the way in which it treats IPV as discreet "incidents" of violence rather than a continual pattern of coercive control. Most of my key informants understood the nature of IPV reflected in the literature; that is, that violence is very rarely a one-off event that can be treated in isolation (Cochran, Sellers, Wiesbrock, & Palacios, 2011). Instead, it is important to recognise its ongoing nature and its cumulative effect on women as they are subjected to a range of power and control tactics. Most of my key informants agreed that this was not properly acknowledged in FVRJ. Aroha shared her concern stating *"they don't understand the history, the cumulative effects, it's not just about violence, it's about how he coerces and controls her, how he limits her life"* (Family Violence Specialist 2).

Here it is useful to note that our British-based criminal justice system is incident-based. Defendants are tried for their actions in particular circumstances. Evidence about the defendant's behaviour on other occasions is generally held to be inadmissible because of its presumed prejudicial effect. However, a proper understanding of IPV requires examination of general patterns of behaviour. According to most of my key informants, without paying attention to the broader pattern, FVRJ cannot keep women safe before, during, or after a conference. While Restorative Justice conferences are not constrained by rules about evidence and can canvas the broader issues of coercive control, the Family Violence Specialist's

comments point to a problem in the Court's handling of referrals to – and recommendations from – FVRJ.

One participant repeatedly mentioned 'first-time offenders' throughout the interview. This is a dangerous view to have of IPV offenders given what we know through the literature. That is, by the time offenders come to the attention of the Courts, a pattern of coercion, control, and violence that has been established (Cochran, Sellers, Wiesbrock, & Palacios, 2011; Tjaden, 2001). It is imperative that facilitators understand this when working in FVRJ if we are to ensure the safety of victims using this service.

Facilitator Payment

Facilitator payment was discussed by all key informants as a challenging area that can have an effect on victim safety. Facilitators are either employed or contracted, and depending on which, will affect how one is paid. Contracted facilitators are paid only when a conference is completed, which, as one participant stated, is a huge incentive to proceed to the conference, regardless of safety issues. She explained the gravity of this issue stating

So the objective is to complete a conference to get the money. I think they might get paid a one-off fee for the pre-conference, but of course, the big fee comes with the completed conference. So there's an inducement to complete a conference, and I know, well providers have targets, well they're funded for so many conferences, so as an organization, I spoke to the manager in [place name removed] and she said "oh we need to do so many conferences" and so there's pressure on her to deliver on her contract, rather than "is it right in this case to go ahead with the conference?" That's not the question. From a managers point of view, her mindset was clearly "I need to deliver on my contract" (Aroba; Family Violence Specialist 2)

The issue with payments was expressed by one of my key informants as having a major impact on the quality of the conference, and the safety of the victim. In the section 'Context of setting up the conference' below, there is discussion regarding support people; specifically in regards to support people being a Ministry of Justice requirement. However, issues around payment are impacting on this requirement and conferences are going ahead in situations where they should not be.

Facilitator payment is clearly compromising the safety of a conference for victims of abuse. Conferences may go ahead without proper supports in place, for fear that one's livelihood is in jeopardy. This is a huge concern with the current

payment structure, and it needs to be addressed to ensure facilitators are not being forced to practice in a way that may compromise victim safety.

Having canvassed some generic issues relating to women's safety, I now turn to consider more specific problems that arise at particular stages of the process.

Pre-conference

My facilitators provided crucial information regarding what a FVRJ conference looks like in practice. This next section focuses on the context of setting up a conference. I will explore the processes and procedures that are important in preparing for a conference, and present participants' opinions of these with regard to women's safety. Also pertinent to setting up a conference is our understanding of IPV and the challenges that come with an abusive relationship. By this I mean it is important to understand issues such as coercion and women's autonomy, and how these factors can impact significantly on the conference. Furthermore, I will explore challenges regarding support and support people, as discussed by my participants. Lastly, it is important to note that consistent with the literature, my key informants described the majority of abusers as male, and the predominant victims as female. This gendered analysis of IPV was assured through the terms "her", "she", and "women".

Referrals

Some of my key informants raised concerns regarding the referral process which will be discussed below. According to both standard procedures and my family violence facilitators, referrals are sent by the courts to Restorative Justice organizations, who then allocate them to employed or contracted facilitators. If the referral is accepted by a facilitator, that facilitator then assesses the case to determine if it is suitable for a FVRJ conference. To assess safety, one needs to have a sound understanding of IPV. Some participants have had IPV relationships, and that has given them an in-depth analysis of IPV and allows them to be vigilant when dealing with these cases. Others have not. Interestingly, those who did not disclose a history of IPV with me, did not discuss FVRJ safety issues as critically as those who had that history.

As mentioned above, family violence referrals are assessed by the facilitators. Facilitators will look through the summary of facts as well as the abuser's history of

offending. I was told that some referrals are sent back to the Restorative Justice organization if they are deemed to be unsuitable. However, according to one of the facilitators, the danger is that such referrals are then typically referred on to another facilitator (by the Restorative Justice organisation) until many of the cases have been accepted. This is extremely problematic if one facilitator's professional judgment is undermined in order to have every case accepted for a conference. Therefore, facilitators such as Maria are now accepting every case due to the fear that another facilitator will not have the adequate skills and IPV knowledge to handle the case safely.

This process for referral is a safety concern as it is more about getting the case accepted than the suitability of the case to FVRJ conferencing. Maria expressed that it seems as though it's "all about money" rather than the participants and their safety.

Screening and Assessment

Most of my key informants were concerned about the lack of standard procedure in place to screen and assess suitability for a conference, suggesting that this is an area that needs development.

The initial screening and assessment of the suitability of a case for a FVRJC is up to the facilitator who receives the referral. I was told that these assessments are performed differently depending on the organisation and the facilitator, though facilitators will initially use the paperwork available to them (summary of facts; offending history). Whilst screening and assessment has a general guideline (such as making sure the offender has the ability to produce a genuine apology) there is no purpose-built screening tool available to facilitators. Therefore, each case will have different screening and assessment techniques applied, ranging from the facilitator's personal feelings towards what they observe in the summary of facts and offending history, to the use of researched techniques. One participant has developed a more methodical process for assessment by using the ODARA scale [Ontario Domestic Assault Risk Assessment]. She states that this scale predicts that most abusers are at a high risk chance of re-offending (74%), though this does not mean they will not be accepted for a conference. It is important to note that the ODARA does not assess the offender's attitudes to his offending such as remorse and readiness to accept

responsibility for his behaviour. This some offenders assessed as high risk may nevertheless be reasonably good prospects for conferencing. However, that “most” offenders are assessed as being high risk does raise questions about their suitability for Restorative Justice.

Compared to an ad hoc and unstructured assessment, the use of the ODARA scale may be a step in the right direction. However, the measure is not specifically designed to assess appropriateness for a FVRJ conference. A more specific assessment tool that would judge offender and victim suitability for a FVRJ conference should also be designed and utilised in a consistent manner.

Lou's (Facilitator 2) Restorative Justice organisation has developed their own risk assessment tool. It asks the facilitator to identify issues such as whether there is a history of abuse, if there are language barriers, alcohol or drug issues, or cultural barriers. It also provides suggestions to mitigate these issues such as using a known venue, using an interpreter, or seeking advice from professions in any given area of concern. While this seems a promising development, it has yet to be formally validated. An evidence-based tool is specifically needed for the FVRJ.

As discussed, some facilitators have chosen to use generic assessment tools in their work. However, there was still concern regarding the lack of evidence-based assessment criteria that is made available to facilitators by FVRJ organisations. Because there is no standard tool for facilitators to use, concern was raised around what facilitators actually consider proper assessment to look like, and how that may impair the safety of a conference. Because of Aroha's experience working for the Department of Corrections, her knowledge of risk assessment provided insight into why her and some other participants believe this process is flawed. She was not convinced that reviewing the summary of facts was sufficient, and questioned how much of an analysis was given to past psychological and physical violence. For example, Aroha proposed that if knowledge of historical violence in the relationship is not incorporated into a Facilitator's risk assessment, how can one confirm that a FVRJC is indeed safe? Furthermore, she questioned Facilitator knowledge of IPV suggesting that a comprehensive awareness of IPV (including the acknowledgment past abuse is likely) would ensure a reluctance to accept them for a conference when these cases are referred to them for assessment.

Along with (or instead of) a methodical approach to assessment, some key informants suggested other signs that may indicate that an abuser could be suitable for a conference. Firstly, their use of language was suggested to be a good guide to understanding an abuser's mindset. Maria gave the following example showing how an abuser's acceptance of their violence (or failure to accept their wrongdoings) can demonstrate whether or not a conference would be appropriate.

You might do a call to somebody and you say "it's an opportunity for you to put right what you've done wrong" "what the fuck do you mean what I've done wrong?" (Maria; Facilitator 1)

This case, Maria indicated, would be "totally unsuitable" because the abuser's language shows that he has not accepted responsibility for his violence, and therefore, the conference would not be a safe environment for the victim. Yvette suggested that men who are willing to change will avoid using language that minimizes their violence, blames the victim, or makes the victim feel guilty for the consequences that the abuser now has to experience. Furthermore, Most of my key informants suggest that our cultural tolerance of violence towards women prevents many men from accepting that their violence is unjustified. Furthermore, one participant explicitly states that "*attitudes of [male] entitlement come out in the conference*" (Aroha; Family Violence Specialist 2).

Another indicator provided by some of my participants was the abuser's willingness to access help tools such as programmes before having it suggested in a conference. Carla indicated that waiting for a conference to initiate change doesn't suggest an abuser is truly eager or ready, and unfortunately, Maria states that only about one percent of offenders proactively try to seek help for their violence. Aroha (Family Violence Specialist 2) shared this view suggesting that not only should an abuser seek avenues for change (such as seeking out programmes to help stop their violence) before a FVRJ conference, but that it should be a necessity. She proposed that entering into a conference without any help for the offender to challenge his ideals and behaviours beforehand was a clear example of how we are currently "doing it the wrong way".

Screening and assessment were clearly significant concerns for most of my key informants. It is apparent that the facilitators have attempted to practice their assessments more safely, though there are still safety concerns around the looseness

of the process and suitability of the tools they are currently using. A proper risk assessment tool specific to FVRJ needs to be implemented as standard practice across all RJ organisations to ensure consistent practice, and victim safety.

Pre-conference meetings

According to my participants the pre-conference meetings are an opportunity for the facilitators to meet with the victim and the abuser separately, and their support people, in order to prepare for the conference. It was also stated by a key informant that this is a further step in the assessment process. Most of my key informants stated that the pre-conference is a crucial step in confirming that the conference should indeed go ahead, that the participants will be safe, and in heightening the probability of 'success'. One facilitator explained.

The meaty stuff is done in the pre-conference. That's something I can't emphasise enough. If you do the pre-conference properly, and deeply, and in-depth, challenge the offender, you find out all these things (Lou; Facilitator 2)

One participant explained that a Pre-conference meeting is not always the only preparation that is required before a FVRJC. Victims who have been abused have often lost the ability to speak freely and need to be prepared thoroughly before facing their abuser, preferably by a family violence specialist. One participant recalled a particularly challenging case in which her agency “*had to do a lot of work with her to strengthen her to be able to go through that process*”. This participant was worried about a process that did not prepare victims thoroughly suggesting that without this kind of preparation FVRJ conference is “*a risky process*”

Whilst support before the pre-conference is not a compulsory part of the process, one participant suggested that it should be a fundamental element to ensure victim readiness. This concern was mentioned especially in relation to cases in which the victim has been subject to systematic abuse, which both the academic literature, and most key informants, believe is the case for the majority of FVRJC victims who have experienced IPV (Cochran, Sellers, Wiesbrock, & Palacios, 2011; Tjaden, 2001).

Support people

Traditionally, community participation was an integral part of indigenous restorative processes. Within Māori settings, the negotiations were essentially Whānau to Whānau. The victim's Whānau would seek utu on his or her behalf. The offender's

Whānau would accept collective responsibility for his or her offending and hold him or her to account. In this way, community presence would assist the victim and offender through the process, as well as increase offender accountability, and keep the victim safe.

According to the Ministry's guidelines, community support people (i.e family and friends) are required to be present if a FVRJ conference is to be a safe process (Ministry of Justice, 2013). Both the literature and my key informants agree that support people can make a crucial difference in the success of a conference (Daly, Stubbs, & Cook, 2006). However, my participants suggest that the wrong, or ill-prepared, support people can make for a destructive process. For example, Rubin (2009) states that if support people hold patriarchal views tolerating men's violence towards women, then the use of support people becomes challenged. Furthermore, Braithwaite (1989) states that one of the fundamental principles underpinning Restorative Justice is communal disapproval for the offender's actions. However, if there is not a universally accepted view that violence towards women is never tolerable, then this approach will be ineffective. Because support people will hold many different kinds of beliefs regarding IPV abusers and victims, Carla (Clinical Psychologist) suggests that "*education beforehand for the support people*" is important to prepare them for the conference, and to prevent harmful ideals entering the conference.

Some key informants discussed both the procedures that they follow, as well as the challenges they face when helping participants select both reliable and suitable support people. Having support people at the pre-conference was discussed by my facilitators as being particularly important in that the support people would then know what to expect in a conference, as well as everything that will be discussed about the case. Furthermore, they suggest that it provides the facilitator with an opportunity to prepare for how they will handle each support person within the conference dependant on their unique qualities.

Whilst it is beneficial for both parties involved to have support people present at the pre-conference, is not a Ministry of Justice requirement. Therefore, having a pre-conference meeting with support people present, often "*doesn't happen*" (Lou; Facilitator 2).

One key informant was adamant that “*nobody comes into this room that isn’t okay for her*” (Maria; Facilitator 1), suggesting that participants must be comfortable with each other's support people; however, this is not a part of the Restorative Justice Standards. Additionally, other participants suggested that this doesn’t necessarily mean that the conference will be unproblematic. Lou explained.

It’s very difficult to get a really full picture on what the support person is like until you get them into the meeting with the emotions and the details that are coming out and then they always, sorry not always, often they feel that they have to stick up for their [person] (Lou; Facilitator 2)

The above comment suggests that support people could potentially contribute negatively to the conference. By wanting to “stick up” for the person they are supporting, the abuser's supporters may minimize or justify his behaviour. As stated previously, my participants felt that abusers who minimise or justify their behaviour are not suitable for Restorative Justice because it is likely to be harmful to the victim. If support people do this, it can be just as harmful to her. However, tolerance for men's violence towards women is not always overt, and therefore, it may be difficult to prevent people with these ideals from being accepted for a conference.

Whilst it is a Ministry of Justice requirement that support people be present at a conference (Ministry of Justice, 2013), my facilitators suggested that they cannot always assure this is the case. According to my participants It can be difficult to determine who is the best support person for an array of reasons such as the victim accepting the support person the abuser has chosen, or possibly because the shame and stigmatisation of being an IPV victim or perpetrator prevents one (or both) of the participants from reaching out for support from their community.

Some of my key informants described their endeavours to prepare the victim properly; however, there were limits as to what they could do. According to some of my participants, conferences sometimes went ahead despite there being no support person for the victim. In these cases, the Ministry guidelines state that the facilitator must record their rationale for proceeding with the conference when there is a lack of support people (Ministry of Justice, 2013).

As discussed earlier, many of my participants talked of the internal conflict contracted facilitators often face around factors such as travel, payment, and the

Ministry of Justice guidelines. This is evident in pre-conference work. Lou stated that she often faces long-distance travel to attend a conference in which support people will not turn up. If the conference does not proceed, Lou will not receive payment for the conference. Here, a contracted facilitator faces pressures that are significant to both their financial stability, and the victim's safety.

Lou (Facilitator 2) states that she will often attempt to bring in someone she trusts to step in for the participant who has no support person, and proceed with the conference. The safety issue here for the victim is that this support person for cannot provide ongoing support post-conference because there is no relationship between them and the victim whether it be emotional support or additional help to keep the victim physically safe after learning about the violence (most likely for the first time).

According to my participants, another issue that arose regarding support people was their ability to pose a potential risk to the efficacy of a conference. Whilst the pre-conference is supposedly designed to prepare everyone (including support people) for the conference and to reduce confrontation over the summary of facts, conflict may still occur. One participant stated her concern particularly with familial support in cases where biases lead to statements such as *"oh no that's not right, my son would never do that"* (Lou; Facilitator 2).

Carla (Clinical Psychologist) states that it can be difficult for a victim to want to stand up against the abuse, especially if she doesn't have familial support, primarily due to reasons discussed in "socio-cultural attitudes" above. However, she will encourage victims to stand up for the other women in their lives who may also experience IPV, and in doing so, they will know that *"[the victim's] house is safe"* and *"they know that you will come with them and support them and they will be safe with you"*.

The compulsory inclusion of support people is an incredibly important step in the FVRJ process. The basis for maintaining the participation of support people is that abused victims require significant support in order to participate in face-to-face contact with their abuser. Additionally, indigenous restorative practice demonstrated that offenders could be made accountable only by the participation of the community to whom they were being held to account. That is, when support is not available to a victim, her autonomy and her safety is compromised. When support

isn't available to an offender, true accountability is compromised, as therefore, so is victim safety.

Coercion

In order to understand the issues that follow in this section (and in subsequent sections) coercion needs to be understood within the context of both IPV relationships, and FVRJ. My key informants were aware that coercive control is a commonly established pattern of IPV that most women will have already been subjected to, and believed it is a very real threat in this setting (Garber, 2016; Stark, 2007).

My key informants agreed that coercion is often very subtle, and it is possible that only the victim will be able to identify what coercion has taken place. Furthermore, my key informants and the literature suggest that coercive techniques are powerful enough to control a victim's response, and essentially ensure she acts or speaks exactly how he wants her to (Stark, 2007). This can also be said for intimidation. Some attempts to intimidate may be overt, but an abuser skilled at power and control may be very good at hiding the way he intimidates his victim (Stark, 2007). Aroha told me:

You don't know what coercion is at play that has got that woman into the room. It might be a threat, it might be a promise. You know there are so many things that could influence why she is there. And you know, is she really freely there? You can't say, cause if she's not, he might find out. You know like if she says he said he'll kill me if I didn't turn up, well, we don't want him to know that she said that. I mean the dynamics of it is just so, unsafe (Aroha; Family Violence Specialist 2).

Coercive techniques were discussed by all of my key informants as an issue that will arise during the FVRJ process. Furthermore, most of my key informants believed that coercion was almost definitely at play before the conference, influencing the victim's participation. Most of my participants suggested that it would take a very skilled facilitator to be able to identify coercive tactics at any stage during the FVRJ process, and reinforced to me the need for skilled facilitators or Family Violence Specialist to be present at all times in able to ensure that a victim's psychological safety isn't seriously at risk.

With regard to the duration between a guilty plea and a conference, the timing can vary significantly. This is ample time for an abuser to intimidate, coerce, and shape

the victim before the conference. Some of my participants stated that within this time it is not uncommon for an abuser and victim to be back living together for reasons such as that stated above, or because they have reconciled, which is a common result of the effects of power and coercion (Stark, 2007). Furthermore, many of my participants were concerned about the victim's physical safety, suggesting that it could be jeopardised in this time as her abuser has an opportunity for retaliation. Maria explained that seeking help for the violence instantly puts the victim at risk. She states

there's risks for her if he's charged, you know, "why did you call the Police?" she can be, he can get out and come back and beat her up again to keep her quiet, so, and then next thing she's in court trying to get the charges withdrawn

Women's autonomy and consent

Most of my key informants stated that women's autonomy is undeniably compromised when engaging with FVRJ. The *Restorative Justice Practice Standards for Family Violence cases* (2018) states that FVRJ participants must give their "informed consent" before the conference can proceed (Ministry of Justice, 2018). However, due to ongoing coercion and manipulation that is so often experienced by a victim in an IPV relationship, most key informants did not believe that women's consent is ever truly freely given. Yvette explained

We [the Family Violence sector] were all up in arms about this type of process being forced on our women. . . I don't believe that they have that freedom of thought, freedom of consent. I believe that there's too many hooks in it, I don't believe that there are people monitoring him to make sure that he's not engaging with her outside of it, or before it, or his sister, or his mother. . . . His family would want to put a lot of pressure on her, and that could be a whole host of reasons why they would do that. The main reason is that they don't believe that their family member is responsible, or, the only one responsible (Family Violence Specialist 1).

My key informants suggested that women never expect to be under the control of the CJS. However, once in the CJS, victims are then under pressure to be seen as compliant. Therefore, Yvette (Family Violence Specialist 1) suggests that women may 'consent' to get everything "over and done with". Additionally, she explains that feelings of obligation paths the way for victims to be at risk of re-victimisation by their abuser, in a way that is legitimized by the courts. For example, within a conference, victims may be psychologically abused again through fear,

intimidation, and coercion. Furthermore, disruptive or harmful support people backing the abuser can contribute to this re-victimization.

Lastly, autonomy over consent is limited when victims need their abuser for practical reasons. Whilst IPV myths would have us believe that most women chose to reconcile with their abuser due to 'love' and 'companionship', the literature and my key informants suggest that it is actually often more practical reasons that prevent her being able to escape such as fears for her safety, her children's safety, and lack of financial resources (Strube & Barbour, 1983). This has the ability to undermine a woman's free consent in relation to FVRJ because these practicalities are a necessity for many women, and this dependency can encourage a woman to comply with her abuser's wishes for her to engage with FVRJ, if that is what he desires. Therefore, the consent she gives is not fully autonomous.

Perpetrator expectations

Participants shared their opinions on perpetrator expectations and how this can compromise victim safety. Many of my key informants suggested abusers are aware that a FVRJ conference may be beneficial to them by leading to a lighter sentence. This, rather than a wish to repair the harm they have caused to the victim, main be the main motivation for their participation in Restorative Justice. One Facilitator stated that some abusers will have been encouraged to expect Restorative Justice will lead to the lighter sentence by conversations with other abusers. Another Facilitator stated that it is often a lawyer who suggests they participate in the conference. Whilst this is problematic on its own, as it suggests the abuser is using the conference for their own gain, another key informant suggested it is actually "*dangerous*" (Carla; *Clinical Psychologist*) as it means that the abuser will enter the conference without paying any heed to the victim's needs.

Interestingly, my participants said relatively little regarding what victims may expect from a conference. However, one facilitator did state that she would make sure the victim knew what to expect in terms of processes and procedures.

Overall, there are a variety of safety concerns before a FVRJ conference takes place. The current screening and assessment protocols were challenged by my participants, with many of them considering them to be insufficient. Furthermore, I believe they are in need of standardising. This is also apparent for support people.

Support people need to be screened and assessed appropriately to ensure they are not bringing problematic attitudes into the conference, which can increase the opportunity for a disruptive conference.

Full autonomy was a concerning element for most of my participants. These participants were aware of the effects of coercive control and how repetitive abuse can impact on a woman's ability to make a decision to participate voluntarily, especially when a perpetrator has sentencing expectations that appear favourable to him. The tactics that have been used to control her throughout her relationship continue through the FVRJ process. Furthermore, the added pressure to appear compliant impacts on her capacity to make decisions autonomously. Many of these concerns are mimicked in the conference, and will be discussed in the next section.

During the conference

Victim safety, especially psychological safety, during the conference was viewed by most of my participants as a concern. As discussed above, the nature of an abusive relationship is that victims have often experienced coercion, intimidation and fear, and this does not disappear in a conference setting. Therefore, this section will focus on the safety concerns prevalent within a conference that arise specifically due to power and control issues within an IPV relationship. Additionally, concerns regarding support will be discussed, and finally, discourse regarding FVRJ conference outcomes in relation to justice will be included.

Power imbalance

“It’s not an equal playing field. You’re starting from an unequal place”

(Aroha; Family Violence Specialist 2)

Most of my key informants suggested that there was a power imbalance in a conference between the victim and the abuser which was problematic. The major safety concerns prevalent when there is a power imbalance are a woman's psychological safety, particularly, her autonomy. Some of the issues include a woman's ability to freely choose to participate in a conference as discussed earlier, an opportunity to speak freely, and the ability to openly agree or disagree with suggestions within the conference (especially suggestions that directly affect the

abuser such as sentencing). In fact, the Ministry of Justice policy states that a fair Restorative Justice conference *must* be characterised by factors such as "voluntariness", and that victims should be able to "negotiate" with their abuser (Ministry of Justice, 2013). Many of my participants considered this impossible as a victim's power has already been "*taken away*" (Carla; *Clinical Psychologist*) by her abuser. Furthermore, Carla explained that just being in the room with their abuser can be psychologically overwhelming for a victim.

The disadvantage of being face-to-face is PTSD. "This face is a trigger to my trauma. So if my trauma reaction is I'm going to be a possum and I'm not going to speak, that's already put me at a disadvantage to speak out". So I think it depends on how affected by the trauma they are. And it also depends on their pre-this-incident trauma. You know have they been socialized to take it? And will this be just something else that they take and they don't know they have a voice? So that's a disadvantage (Carla; Clinical psychologist)

Most of my key informants suggested that the expectations we place on victims in this unbalanced scenario are unreasonable given their lack of power, autonomy, and often, support. Most of my key informants felt that it was unrealistic to expect victims to be able to participate in a conference on an equal footing with the abuser. As Carla put it, it would take "*a really strong woman with super supports in place*" (Carla; *Clinical Psychologist*) to be able to have a safe FVRJ conference.

Carla's summation fits well with the literature. A growing body of research has drawn attention to the challenge faced in trying to address, within the conference, the power imbalance between a woman victim and her male abuser (Coker, 2006; Maxwell & Morris, 1993.) That is not to say that it is impossible: after all, there are accounts of safe restorative processes in relation to family violence, particularly in indigenous communities (e.g. Gray & Lauderdale, 2007). Nevertheless, a safe conference will require particular characteristics of the participants and the support people – what Carla calls "super" support people. Without the conditions being right, women entering a FVRJ conference will likely be unable to openly negotiate with their abuser during a conference, nor achieve an agreement that accurately reflect what they need.

Voice

My key informants all agreed that an issue compromising women's autonomy is the challenge they face in speaking freely. Free speech in the context of IPV is a challenging concept for many to understand, but is critical in order to comprehend how victims may present in a conference. One key informant explained that as a

consequence of the abuse they have suffered, many victims have "lost their voice" (Carla, Clinical Psychologist), and that it is unrealistic and unreasonable to expect them to talk freely about their experience and about reparation. Fear of "payback" can silence women. Aroha illustrated this by describing a hypothetical victim asking herself

"What's going to happen when I leave this conference?"... *"If I truly am honest, I just don't believe it is a space where women can actually be really honest about what's happened for them"* (Family Violence Specialist 2).

The Ministry guidelines state that victims should have "significant control" over the FVRJ conference (Ministry of Justice, 2013, p 25). This seems unrealistic when put alongside my participants' views and what is known about the distribution of power and "control" over victim and abuser. The guidelines seem overly optimistic and give no clear instruction for how facilitators can ensure women have a genuine voice within a FVRJ conference.

Subtle coercion

As Stark (2007) points out, coercive control is a pattern of entrapment in which women's behaviour is checked against an unknowable 'rule-book'. Many of these "rules" and the tactics used to ensure compliance are meaningful only to the abuser and his victim. Consistent with the literature, most of my key informants agreed that coercion during the conference is likely to be missed by everyone except the victim (Garber, 2016).

In order to ensure psychological safety within a conference, facilitators need to be aware of the ways in which an abuser can intimidate and coerce his victim, without saying a word.- or by using language which seems benign to outsiders but which, to his victim, is heavily freighted with threats and/or reminders of his dominance and power to punish. One participant acknowledged her limitations stating that facilitators and victims may need to work together in order to keep the conference a safe space for her. Maria (Facilitator 1) explains that she is "still reliant on them because of their knowledge about him". Furthermore, she states that her co-facilitator is "sensitive" to triggers, and suggests that this helps expose some of the subtle tactics that other facilitators might miss.

Lou was more confident. She believed that her training has given her the skills she needs to identify coercion within a conference.

You do [pick up on subtle cues directed at the victim, from the abuser] because there's two of you so the other person is doing the notes and the recording and all that sort of thing so I'm sitting there and I'm just scanning the whole time (Family Violence Facilitator 2).

However, my other participants were very sceptical of other facilitator's knowledge. They considered the training that is provided to be insufficient and potentially dangerous- at least for facilitators who lack personal experience of IPV. While accepting that there is accreditation for FVRJ facilitators, the general consensus was that it is not enough to truly understand IPV, or to be able to reasonably assure women's safety in the context of the conference.

Coercive control within a conference is insidious and dangerous. Tactics used by abusers within a conference can silence victims, controlling the conference and conference outcomes. A facilitator knowledgeable in IPV will understand that this will often be hidden from their view. This should raise questions regarding the suitability of Restorative Justice conferencing in cases of IPV.

Apology

As the literature tells us, having the offender accept responsibility for his behaviour and offering the victim a sincere apology are integral to successful restorative practice. However, determining whether an apology is sincere is not straight-forward considering the repeated apology-remorse-abuse cycle common in IPV relationships. As Maria (Facilitator 1) explained, offenders are *"very used to saying sorry"*. Furthermore, she states an apology within a Restorative Justice conference may look "different" but that it doesn't suggest the apology is sincere. Carla was also critical of an apology within the context of a conference giving the following example:

The perpetrator came in and cried a lot and it was really sounded very sincere, "I'm going to change, it's never going to happen again" and she believed it, and within a month it had happened again (Clinical psychologist)

As this example shows, there is a very real danger when an apology is accepted and believed in this context because it can mimic the apology given to a victim every time she is abused. Therefore, an apology should not be used as a marker in the effectiveness of a conference, and the victim should be made aware of the challenges around accepting an apology as 'real' in this context.

Support

Most of my participants agreed that support during the conference is imperative in making sure victims are more likely to speak freely. One of my participants believed that good support should look like "multiple family members or friends backing them" (Carla; Clinical Psychologist), consistent with an indigenous approach. This aspect of the conference can influence conference outcomes significantly as a lack of support, or inappropriate support, can lead to victims not being able to negotiate and have her needs met, not letting the abuser know the impact on her, and not getting a fair justice outcome. Furthermore, as stated earlier, support during the conference can become problematic if support people do not adequately fulfil their role within the conference. As my participants suggested earlier, this could be due to insufficient preparation given to support people before the conference, problematic ideals regarding the abuse and culpability, or having a victim-blaming mentality.

Support for the abuser is also important. As stated earlier, my participants considered that family members often found it difficult to come to terms with their family member's violence. That is, family members often did not believe that their loved ones could act so violently. The example previously given by Lou (Facilitator 2) regarding an unbelieving mother, demonstrates this effectively. Furthermore, regardless of the support person's beliefs regarding accountability, there will often be a desire to defend their person, which could lead to a disruptive and challenging conference, one in which the victim may effectively be the one on trial as she has to justify her account of her experience.

It is apparent that good support people during a conference are a necessity. The problematic attitudes and beliefs of the support people may have an impact on the conference disrupting the process, and compromising the victim's psychological safety. As mentioned earlier, it is important that support people are well screened and assessed for suitability, using an appropriate screening tool. Within the conference, it is important that the victim has sufficient familial or friend support that can be present post-conference. It is important that both the victim and the abuser's support groups be supportive, without violence-supportive or victim-blaming ideals.

Justice for the victim

The literature suggests that the CJS has continuously failed to provide justice to abused women. My key informants criticised the current system as one which silences, re-victimises, and dominates women. They suggest that alternatives are needed. The question here is, is FVRJ the appropriate alternative that will finally allow women to obtain justice for the violence committed against them? My key informants provided suggestions regarding what a good outcome looks like for a victim.

Good outcomes for victims were discussed in a variety of ways. The ability to "face" one's abuser, to be an active participant in determining the outcome, to ask questions, and achieve closure were seen as significant differences between Restorative Justice and the traditional criminal justice process. Maria explained it this way:

I think it's a good way for those who want to use that process to get justice because then it's their justice, it's not about what a court does, it's about their ability to be heard or get something that they need . . . they might want money or they might want, you know, for them to go to prison, and then they sit and they hear the story and gather more information about the person, and give that person more information about them and exchange can be really really, really really good actually, and so their justice comes out of that I guess, cause if it doesn't give them what they need they can say that "well I think you're full of shit, I came to listen to you today I actually don't believe you mean what you say but I'm happy I came to listen to that cause now I know" and out they go (Maria; Facilitator 1)

Here, Maria draws attention to several key features of good restorative practice. Firstly, she identifies the opportunity for women to exercise agency in the process. Instead of being a passive bystander to what "the court does", a conference can deliver "their justice": justice as defined and shaped by women. Secondly, there is the opportunity "to be heard". In the context of a controlling relationship in which one loses one's voice, being heard can be an important part of a just outcome. Thirdly, there is the possibility for women to get what they want, be that "money" or for the offender to go to prison or some other outcome. Fourthly a conference is an opportunity to gain more information about the abuser and perhaps closure. Here, Maria's example is interesting. Restorative practices are often discussed in terms of reconciliation and enhanced appreciation of the other party. Maria's example reminds us that in some cases, a good outcome may be one which confirms for the woman that she wants to draw a line under the relationship. In the context of a relationship

marked by coercive control, invitations to accept responsibility for the abuser's behaviour and repeated promises to do better in the future, it is easy to understand that a just outcome may include coming to the realisation that one's partner is "full of shit".

Carla (Clinical psychologist) suggested that justice often comes through the abuser truly hearing the victim. She recalled a conference in which the abuser "let her go" after hearing her voice and her desire to be free from him and his violence. She also suggested that a good outcome should include offender accountability, clear plans going forth to make sure this is achieved as well as safety plans for the victim. Some participants specifically stated that the victim must not be used to monitor the abuser, as that can lead to retaliation. Furthermore, Carla states that if victims are aware that other conference participants are there because they know what happened to the (the victim) was wrong, that that would be a positive outcome.

Having the abuser be held responsible for his violence was the most commonly discussed factor regarding justice. It was this personal accountability that my key informants unanimously believed was one thing that allows the victim to gain justice. Aroha states:

A good outcome would be some way he was held accountable for his behaviour change... so that he won't be able to continue being violent and that the focus was on him stopping violence not her protecting herself (Family Violence Specialist 2)

But accountability is not only a personal act. In this regard, Aroha went on to suggest the current FVRJ process is "individualized", in contrast to the indigenous model that theoretically underpins Restorative Justice stating:

On a marae, you'd have an audience. A much wider audience. So you'd have aunts and uncles who would all hear what had happened and what was being said. So they're the people that hold him accountable when all the professionals are gone (Family Violence Specialist 2)

Carla (Clinical Psychologist) suggested that FVRJ does not actually hold abusers accountable like those who have committed sex crimes (though sexual abuse is common in an IPV relationship). She states that precautions are put in place to reduce risk to victims or future victims (i.e not being allowed near schools), however, for IPV, we do not protect women in the same way, and that includes not holding abusers accountable in the same way. FVRJ could indeed learn from restorative practices in sexual abuse cases, where accountability and protection of actual and

potential victims are taken much more seriously. However, in saying this, Carla is still not convinced that Restorative Justice for either IPV or sexual abuse is currently sufficient, or safe.

To ensure an abuser sticks to agreements and doesn't repeat his abusive behaviours, accountability is vital. My key informants recognised external accountability as coming from probation officers, programme facilitators, community members, and family members and this should be the responsibility of the victim. External responsibility should make it safe for her to challenge her abuser's behaviours or lack of commitment to change. Maria shared her concerns about what may happen in reality.

Well Probation I guess is supposed to [keep the abuser accountable to agreements made in the conference], I don't know if they do or if [the abuser] just goes along [to a programme] and goes "Oh no that wasn't any good so I won't go back", which is probably what some of them do. And the women have no ability to make them carry on, so that's a risk. So you might get him into a programme, if the programme doesn't hold him accountable or keep him in there, or somebody here doesn't cause it's not her, can't be her, and he doesn't complete it then she has no ability, she can look at that and go "oh no he didn't complete it" and he'll say "oh they gave me a hard time" or "I wasn't as bad as the other men" you know he'll come up with something that sounds reasonably plausible and may have, which is how he gets to manipulate her (Maria; Facilitator 1)

Here, Aroha is again drawing attention to the communal aspect of sound restorative practice. Without community involvement, a victim may remain vulnerable to the abuser's minimisations of his violence and his tendency to offload personal responsibility to other people.

Another concern regarding accountability was expressed in relation to drugs and alcohol. The use of drugs and alcohol was often described as an avenue for offenders to escape accountability. Some participants suggested that offenders deliberately use being drunk or high on drugs as an excuse for their ongoing abusive behaviour.

The abuser making an apology for his behaviour was also regarded as an important part of receiving justice for the victim. Whilst the Ministry of Justice guidelines do state that a genuine apology should be part of a justice outcome for the victim's sake, they also mention the apology-remorse-abuse cycle. As stated previously, expectations of an apology are problematic, and go against the literature

on this issue which specifically states that an apology should not be expected as a justice outcome as it is part of a well-established pattern of abuse (Stubbs, 2007).

Post-conference

This section focuses on concerns that my key informants raised regarding women's safety after the conference. Most of my key informants admitted that they had such concerns. Their fears were consistent with the literature which shows, for example, that offenders will often violate their agreements, including non-association orders, thus compromising victim safety (MacDowell, 2011). Whilst one participant stated that immediate post-conference safety issues could be mitigated by "wait[ing] for a safe amount of time" (Lou; Family Violence Facilitator 2) after the conference is complete before the victim leaves the venue, the others unanimously agreed that post-conference safety cannot be assured.

At the heart of my participants' concerns was the fear that the victim will be "punished" for saying things in the conference that the abuser wanted kept secret. A stark example of this was a conference that left one participant feeling "really uncomfortable" about a victim's safety post-conference after the abuser made a death threat to all those in the conference. My participant sought help from the Police who carried out a safety check. While that may have been a useful thing to do, it should be noted that threatening to kill is a criminal offence which carries a maximum penalty of seven years imprisonment (Crimes Act, 1961, s.306). An offender who commits such a serious offence in a restorative justice conference without facing any consequences is certainly not being held accountable for his violence.

To help put the risks to victims in context, it is worth noting that all participants suggested that the victim and the abuser were likely to be in contact after the conference. In some cases, it might be because they have reconciled. In other cases, they may come into contact because they have children in common. And, as many of my participants suggested, it may be because the abuser simply refuses to cease contact regardless of what the victim wants.

Due to the concerns discussed above, support and protection orders became the prominent safety concerns post-conference as discussed below.

Post-conference support

Most key informants agreed that it is naive to believe that everything has been resolved between the victim and the abuser by the end of the conference. Therefore, on-going support is imperative to keep the victim both physically and psychologically safe.

There were some differences of opinion about where the responsibility for accessing support lay. On one hand, Lou (Facilitator 2) explained that she would always provide avenues for victims to access support post-conference (i.e providing contact details for help agencies such as victim support), but that she believes women are empowered by seeking and accessing that support alone. On the other hand, another key informant was critical of the way follow-up is currently performed. She felt that 'offering' support is not support at all. Instead, she felt that specific arrangements for support should be put in place, without the need for the victim to initiate it.

If you need us, give us a call". [That means] The onus is on her. You know, and how freely can she contact us? We just make these assumptions that people are free like "us". "Us" being the professionals. Yeah, I think it's flawed (Aroha; Family Violence Specialist 2)

Additionally, this idea of empowerment was challenged by one participant. Maria expressed her concern regarding what is expected of women, especially when a woman has no real autonomy over her choices while in an IPV relationship. She asks "What are we empowering women to do? Cause you empower a woman, but how empowered is she in a relationship that uses power and control?" (Maria; Facilitator 1).

Aroha did not believe proper supports could be in place when FVRJ is not connected to the Family Violence sector. She states

[Restorative Justice] doesn't see itself as part of [the Family Violence sector] because it sees itself as part of the criminal justice system, and we're just doing Family Violence cases. So it's not getting its understandings and learnings and knowledge from the sector. It's just a little bitty player in the sector so it's not connected up. So how could they put those good supports in place if they're not well connected in the sector that's there to support?. . . there are a lot of people in the Family Violence sector who are very suspicious and don't want a bar of Restorative Justice (Aroha; Family Violence Specialist 2)

Ministry guidelines suggest that facilitators follow-up to ensure that there is effective post-conference support (Ministry of Justice, 2013, p 27). For example, a "feedback loop" is suggested between organisations, facilitators, and victims. Interestingly, none of my facilitators mentioned this type of follow-up. In fact, Maria (Facilitator 1) explained that there is no follow up from Restorative Justice organisations apart from a phone call a couple of days after the conference. Additionally, none of my participants were actually sure what organisation(s) were supposed to fulfil the follow-up role. Whilst some may believe it is the role of the victim's community to keep the victim safe post-conference, most of my participants suggested that this is a problematic approach if these communities hold abuser-supportive or victim-blaming ideals, and that there should be on-going professional support. Furthermore, Carla (Clinical Psychologist) states that if professionals have not provided those who are expected to support the victim post-conference with the skills and knowledge that they need, any advances that were made in the conference are "probably not going to last".

Particular issues arise when the couple continue or resume their relationship. Maria (*Facilitator 1*) was very critical of the way victims are left post-conference to resume their lives without the proper help they need to ensure they're kept safe in their relationship. She states that there are years of intensive professional support needed. Aroha also stated that better supports are needed stating "[Family Violence Restorative Justice] *needs people like professionals coming in and wrapping services around her, and being there for the long haul*" (Family Violence Specialist). However, Maria is not sure that there is sufficient commitment to making the processes safer: "We're never going to do that".

Support is the most valuable way to ensure victim safety post-conference. However, this will only be effective if her supports are present, easily accessible, have healthy ideals regarding IPV, and are non-collusive with the offender. Furthermore, it is important that facilitators are aware of who these support people are so that future safety planning can be more useful. Support post-conference was referred to as being important on many occasions, though no one was too sure of who these supports really were, raising questions around this topic. Nevertheless, it is imperative that they exist, and that they are effective in keeping the victim safe.

Protection orders

Protection orders were a contentious subject which matched the literature on this topic (Fischer & Rose, 1995; Harrell, Smith, & Newmark, 1993; Logan, Stevenson, Evans, & Leukefeld 2004). While some key informants believed they should be used more to ensure a victim's physical safety, others were not convinced they protect the victims at all. Those who believed we should be using protection orders more suggested that it should be an outcome of the FVRJ conference. Carla suggests

If you were able to go for every Restorative Justice and there was a protection order in place before for example, or afterwards for six months, cause if a man says "I'm going to leave you alone, I'm not going to intimidate you, I'm not going to come around" and they knew that was in place, then that might help them know not to come around

However, one participant noted some of the difficulties she believed to come with the use of protection orders. She notes how taking away the abuser's power over the victim increases the risk to her safety despite a protection order being in place stating that *"Protection orders are interesting things because protection orders increase the risk for them when they're first put in place, especially if he doesn't want it"*. Another participant was particularly critical of protection orders and shared concern around the victim's safety stating that a protection order *"means nothing to them [abusers]"* as well as reinforcing that they *"can't keep [her] safe"* (Yvette; Family Violence Specialist 1). Furthermore, one participant explained that often women have to pay *"an exorbitant amount of money for one"* (Lou; Facilitator 2). Therefore, she explained that the Police should be ordering a protection order after their initial assessment of a violent situation.

The usefulness of Protection Orders continues to be highly debated. My participants were divided on the subject when it came to keeping women safe. Unfortunately, there are risks at implementation of a protection order (Carlson, Harris, & Holden, 1999), but these risks must be compared to the potential risk of not having a protection order in place. Protection orders are implemented to keep an abuser away from his victim, and with no legislation aimed at protecting women in this way, there may continue to be a substantial risk to her safety.

After exploring all of the safety issues above with my participants, I asked them all one final question: "would you recommend FVRJ? All but one key informant stated that they would not recommend FVRJ. These participants believed that women's

safety is not prioritised, and that there are a multitude of concerns with the current practice that need to be rectified before they would recommend it as a service.

Chapter 5: Conclusion

This research has focused on women's safety while engaging with FVRJ, and adds to the limited New Zealand literature on this issue. It has identified current safety issues that compromise women's welfare whilst they engage with this service. It has explored societal structures, socio-cultural attitudes, and procedural issues that maintain - jeopardise - women's safety. This research set out to identify these safety issues through interviews with individuals with significant knowledge of IPV, and who can identify safety issues that so often go unseen. This research should have implications on current FVRJ practices for women victims of IPV.

An indigenous approach to righting wrongs is about restoring the balance that is disrupted when harm is perpetrated. Restorative Justice is derived from this model. An indigenous response is able to hold offenders accountable due to heavy community involvement in the process, as well as the communal approach to supporting the victim. Furthermore, this response was best utilised in a culture that upheld respectful views of women, leaving its use in a patriarchal society a significant concern.

Initially, the idea of using an indigenous model looked to be beneficial to Māori within a European justice system. However, this approach has not remained as it was initially intended, and has become more western, and individualised. Furthermore, the addition of this new western model within IPV cases has further problematized the current restorative justice practice. The current FVRJ practice for victims of IPV could have serious implications for a woman's safety before, during, and after the conference.

Indeed, all but one participant suggested FVRJ conferencing be discontinued. My participants had significant concerns about the safety of women participating in FVRJ. Additionally, they presented concerns regarding an apparent lack of knowledge (or consideration) Restorative Justice organisations appear to have when dealing with the challenges that come with IPV relationships, and keeping women safe. Through this research, I was able to identify and present these safety issues, and discuss the implications of these in practice. On the whole, the views of my participants accorded with the literature regarding concerns with FVRJ and women's safety, and show that there is a current disconnect between the ideal of Restorative Justice, and the practice. My participant's ideals were similar to the feminist framework used to explore this research. Because most of my participants demonstrated sound knowledge and understanding of IPV, they were able to discuss their concerns regarding the nature of IPV, and how the dynamics transfer into a conference setting.

There were substantial procedural concerns discussed by the FVRJ facilitators in this research. The screening and assessment processes were unclear, with non-evidence-based or inappropriate assessment tools being used. Furthermore, the payment structure for facilitators was worrying for them, as it has the potential to create an unsafe process for women if it impacts on their support during a conference as discussed above. The procedural concerns were also often present in conjunction with concerns regarding women's autonomy and coercion. It was evident to most of my participants that women often want to appear compliant, and it was clear that this tends to undermine their autonomy over the process, and was viewed as possible coercion within the justice system, albeit unintentional. These issues appear to go unnoticed by many facilitators, which is why appropriate and ongoing training is imperative. Practitioners in the FVRJ field need to be fully aware

of their limitations when working with these cases. Training that will provide sufficient knowledge regarding IPV needs to be continuous, and include the education regarding power imbalances, coercive control, and socio-cultural beliefs, as well as the impact these factors have on a woman's voice. Training for other Ministry of Justice personnel, and the victim's support networks, is also necessary. Having a sound understanding of IPV should inevitably have an impact on current practice, as the concerns raised in this research will become more apparent to those working in the FVRJ field.

The nature of IPV doesn't seem to be at the forefront of Restorative Justice practice. There seems to be a limited acknowledgment of the repetitive and cumulative nature of IPV, as FVRJ operating within an event-based criminal justice system, deals with incidents of violence. There is an inevitable power imbalance that comes with an IPV relationship, and it is evident that this can create opportunities for coercion, and disrupt a woman's ability to make decisions autonomously. This includes decisions about participation in a FVRJ conference, and her decision making within the conference. This has obvious implications for a woman's ability to express her true thoughts and feelings in a conference setting. In turn, this can mean that conferences result in outcomes that fail to deliver justice to women. Furthermore, the dynamics of an IPV relationship are evident in a FVRJ conference, often mirroring the abuse exactly (i.e the abuse-remorse-apology cycle).

The issues regarding support at all stages of the FVRJ process are serious, yet not treated as such. Because of the power imbalance evident in an IPV relationship, IPV is not an issue that can be treated as an isolated event, and the support available post-conference should reflect this. Furthermore, it is clear that some facilitators feel powerless when support is limited, especially when taking into consideration that

contracted facilitators are required to complete a conference in order to receive payment. This has the ability to directly impact on women's safety, and therefore it is imperative that this is rectified by either removing the loopholes given to practice unsafely (i.e. documenting why there was no support and continuing with a conference), or by restructuring facilitator payment around conferences.

As FVRJ has moved away from an indigenous model, the importance of community support seems to have been abandoned. Whilst support is a requirement in FVRJ guidelines, there are often occasions in which support is limited (i.e. due to contracted facilitators travelling long distances to conferences in which support people do not turn up). Furthermore, facilitator support after the conference is limited to a phone call, and it is unclear whether further support with alternative organisations is in place. What is clear, is that the FVRJ practice we have today does not provide the communal support and accountability that an indigenous approach offers. The support that this approach would offer, would help to limit the concerns discussed in this research. As stated above, lack of support can limit a woman's voice, undermine justice outcomes, and can compromise on her safety during and after the FVRJ conference. A large, well-informed community support network would hold the offender accountable for his behaviour, and have a chance at reducing or eliminating that behaviour more effectively.

All but one of my key informants suggested that FVRJ should not continue the way it is currently practiced. These participants were not confident that the Justice sector considers women's safety to be the predominant concern. I do not believe that FVRJ is currently practicing at a standard that can ensure women's safety, and until safety can be assured, FVRJ conferencing should not be practiced for IPV cases.

Reflections on the research process

I want to reflect on the process of conducting this research, and comment on issues that may assist future researchers as they take on this topic.

My experience as a victim was beneficial to the research process in many ways. Firstly, my experience and knowledge helped me in the formation of research questions. Additionally, during the interview it helped me identify safety concerns within the topic being discussed, meaning I was able to explore the matter further. My experience enabled me to have an in-depth, complex conversation with my participants about IPV and FVRJ. This was extremely beneficial when discussing concepts such as true autonomy and free consent, as these can be difficult to understand. Lastly, being a survivor was particularly beneficial during the analysis phase of this research as I was able to use my standing as a survivor to critically evaluate some of what my participants said.

It should be noted that my experience as a survivor may differ to other women's experiences. I have approached this research through a lens that is specific to my experience, and the topics and concerns that I believe are most important, reflect this. Therefore, it is possible that other survivors may have chosen to approach this research differently, depending on their own experience and concerns. However, this should not detract from the knowledge I have gained through my experiences, and how that benefits me greatly in my approach to this research.

The issues that were discussed in this research have broadened my understanding of FVRJ in cases of IPV. My participants were able to educate me regarding FVRJ in general, and taught me more about the complexities of dealing with IPV through the restorative justice process. Furthermore, this research reaffirmed for me the importance of being vigilant in our dealings with women

survivors, and making sure we are actively trying to keep them as safe as we can. It has been an honour to discuss this topic with my participants.

Finally, it became clear to me that self-care would be essential while conducting this research. Being a survivor and researching a topic that I have experience with was often overwhelming. Researching issues related to IPV has the ability to trigger powerful memories regarding my own experiences. Therefore, I have learned to take care of my own well-being using self-care techniques (i.e. physical activity, discussing the abuse with other survivors, mindfulness) that help reduce the negative effects of reliving trauma. This way I can progress in my attempt to take care of others.

Methodological strengths

Qualitative research is extremely beneficial when the research topic requires rich, in-depth data. It is not useful to use methodologies that will not delve deep into thoughts, ideas, and concepts, especially when exploring a subject as complex as IPV. The use of Qualitative research methods was the only way to gain the important information that this research offered due to the ability to explore FVRJ and IPV in-depth (i.e. FVRJ processes and IPV dynamics such as coercive control), as well as the much-needed context that my participants were able to provide in relation to the topics being discussed. The participants that I recruited for this research provided an abundance of valuable data.

Methodological challenges and limitations

The biggest challenge I faced while conducting this research was recruiting individuals who were willing to talk about these issues. As mentioned in the section on methodology, the participants I recruited were not whom I originally intended

this research to involve. It was initially expected that I recruit the women who had engaged with FVRJ, and represent their voices in this research. Future research may want to pursue these women. However, the participants I eventually recruited were extremely valuable to understanding women's safety in this context, and were able to provide rich information to explore. I was surprised and grateful to recruit two FVRJ facilitators, as their information was invaluable. I was extremely thankful for the openness in which my participants discussed the issues at the core of this research.

I anticipate that recruiting more individuals in the future who are this involved in FVRJ and who can provide, willingly, the information that I received for this research, will prove a challenge. I am confident that if I had access to more time to conduct this research, more individuals of this calibre could have been recruited.

Inevitably, the qualitative nature of this research consequently produced a small sample size. The small sample size may be seen as a limitation when compared to sample sizes from quantitative methodologies. However, as stated in the section on qualitative research methods, the rich information that I received, required this method to access such knowledge.

Recommendations for further research

More research is needed on this topic both in New Zealand and internationally. Most importantly, future research should try to engage with the women using FVRJ. This would provide us with a deeper understanding of what women go through when engaging with FVRJ, what they need, as well as their own thoughts regarding their safety. Such a study would provide us with an insight that can be analysed alongside of the perspectives of key informants, for a holistic view of FVRJ. Furthermore, this comparison could possibly provide us with insight into additional areas of training that may be required for those within the justice sector, and beyond.

Evaluation research focusing on the outcomes and impacts of FVRJ are required to provide key insights into the aspects of FVRJ that are beneficial as they are currently being practiced, as well as the processes that require change. Research should also try to examine the effectiveness of FVRJ in its ability to keep women safe. Because this research has managed to identify many safety concerns, future research should examine those areas and determine the actual implications on women's safety. Longitudinal studies (engaging with victims before, during, and after the conference) would be particularly beneficial for evaluating safety, as well as important elements such as support. Case studies would provide the deepest insight into a survivor's journey through abuse, and through FVRJ. Additionally, conference observations would provide clarity regarding FVRJ conferencing, as well as first-hand experience regarding victim-abuser interactions within the conference, and facilitator skills.

A final word

This research adds to the literature on women's safety as they engaging with FVRJ. The research has provided a variety of insightful, and some contentious, ideas on the subject, and will add more women's voices to the topic. This research calls for women's safety to be at the forefront of FVRJ practice. For this to happen would require considerable comprehension and understanding of IPV. The implications of this research should influence future research, FVRJ policy, as well as current and future FVRJ practice.

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Appendix I

Participants Wanted

Research Exploring Women's Experiences of Family Violence Restorative Justice

Kia Ora, my name is Kelly Redman, I am a Masters student at the University of Waikato. I would like to talk to women who have experienced domestic violence in their relationship, and whose case was referred to Restorative Justice Conferencing by the court.

I would like to hear what you thought about this experience. How did you feel about restorative justice process? Were you satisfied with the outcome? Did you feel safe? It is my hope that this research will help to improve the process for women who use it.

What will you be asked to do?

The study will require participants to be interviewed. This can take place at a location convenient to you, and will take approximately 1-2 hours.

Who to contact for more information

If you would like to participate in this research, or have any questions about the research, please contact Kelly via email: kar32@students.waikato.ac.nz

This research has been approved by the School of Psychology Research Committee, and is being conducted by Kelly Redman, supervised by Dr Neville Robertson and Dr Sabine Seehagen. All information provided in interviews will be kept confidential.



Appendix 2

Information Sheet for Key Informants

What is the project about?

My name is Kelly Redman and I am currently completing a Masters thesis in Community Psychology at Waikato University, supervised by Dr Neville Robertson and Dr Sabine Seehagen. In my Masters Thesis I aim to research people's perceptions with regard to the use of Restorative Justice in cases of Intimate Partner Violence.

What will participants be asked to do?

In this part of my research, I want to talk to people who are in a position to give informed commentary about the use of restorative justice in intimate partner violence. I am particularly interested in the extent to which women's safety is protected during and after the conferences. I believe that your role will have given you useful insights into these issues. The interview will take approximately 1 hour.

How are participant's identities and information protected?

Anyone who participates in this research will be assured anonymity. This means that names will be changed, and no other information that could identify you be included in my thesis. However, your professional position may be important to my findings, and with your consent, will be used in my thesis. Confidentiality is assured on the basis that I will not provide any information you give me to anyone else without your consent.

What will happen to the information given in the interview?

The information will be held in anonymised, password protected files and used to prepare my Masters thesis. After my thesis is completed, I will provide anyone who has participated in my research with a summary of my findings. The thesis will also be available on the University website; I can send you a link to it if you wish. In addition, it is possible that I and my supervisors will want to prepare further publications from the research so that it reaches a wider audience: if this happens, you may have a copy. Finally, all information that has been stored, will be destroyed after five years.

What else do participants need to know?

All participants are welcome to ask any questions at any stage of the process. Additionally, the participants can withdraw from the interview at any time, if they do not wish to continue. Participants can also withdraw from the research project up to two weeks after their interview has taken place. This means that any data analysis will not be disrupted at more crucial stages of the research process.

This research project has been approved by the School of Psychology Research and Ethics Committee of the Faculty of Arts and Social Sciences, University of Waikato. Any questions about the ethical conduct of this research may be sent to the convenor of the Research and Ethics Committee (currently Dr Rebecca Sargisson, phone 07 557 8673, email: rebeccas@waikato.ac.nz)

If you have any other queries or concerns, do not hesitate to contact me directly. Additionally, you may contact one of my supervisors.

Kelly Redman

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Appendix 3

CONSENT FORM

A completed copy of this form should be retained by both the researcher and the participant.

Research Project: Key informants perceptions of women's safety while engaging in Family Violence Restorative Justice

Please complete the following checklist. Tick (✓) the appropriate box for each point.	YES	NO
1. I have read the Participant Information Sheet (or it has been read to me) and I understand it.		
2. I have been given sufficient time to consider whether or not to participate in this study		
3. I am satisfied with the answers I have been given regarding the study and I have a copy of this consent form and information sheet		
4. I understand that taking part in this study is voluntary (my choice) and that I may withdraw from the study up to two weeks after the interview has been conducted, without penalty		
5. I have the right to decline to participate in any part of the research activity		
6. I know who to contact if I have any questions about the study in general		
7. I understand and accept that the interview will be audio recorded		
8. I understand that my participation in this study is confidential and that no material which could identify me personally (with the exception of my professional position) will be used in any reports on this study		
9. I wish to receive a copy of the findings		
10. I wish to view the summary report of my interview		

Declaration by participant:

I agree to participate in this research project and I understand that I may withdraw at any time. If I have any concerns about this project, I may contact the convenor of the Psychology Research and Ethics Committee (Dr Rebecca Sargisson, phone 07 557 8673, email: rebecca.sargisson@waikato.ac.nz)

Participant's name (Please print):

Signature:

Date:

Declaration by member of research team:

I have given a verbal explanation of the research project to the participant, and have answered the participant's questions about it. I believe that the participant understands the study and has given informed consent to participate.

Researcher's name (Please print):

Signature:

Date:

Appendix 4

Interview Questions for Key informants

The interview will be semi-structured. While in conversation, I will direct the dialogue in order to explore themes that are relevant to my research. The Banners I wish to explore in the interview are presented below:

Banner 1: Restorative Justice

I will first ask the participant to tell me **how they have come to know about Restorative Justice, and what their thoughts are regarding this form of justice.** After this, I will use prompts to direct the conversation. Some of these may include:

Is Restorative Justice a good alternative approach to obtaining justice? Why/why not?

Banner 2: Family Violence Restorative Justice

I will ask the participant **what their experience of Family Violence Restorative Justice has been (how they have come to be involved or know about Family Violence Restorative Justice).** After this, I will use prompts to direct the conversation. Some of these may include: What are your thoughts regarding Family violence Restorative Justice in particular

Why is Family Violence Restorative Justice used?

What are your thoughts regarding Family violence Restorative Justice in particular

Is Family violence Restorative Justice a good alternative approach to obtaining justice? Why/why not?

Is Family Violence Restorative Justice a good way to get justice for victims of domestic violence? Why/why not?

Banner 3: The Restorative Justice process

I will ask **what they know about the Restorative Justice process.** After this, I will use prompts to direct the conversation. Some of these may include:

What are your thoughts regarding having a victim of Domestic Violence and the abuser, in the same room to negotiating possible outcome with their abuser?

How easy or difficult do you believe it would be for a victim to negotiate with their abuser in a Restorative Justice Conference?

Do you believe there are benefits to having a victim speak to their abuser in this setting? What are those benefits?

Are there any disadvantaged or risks to having a victim speak to their abuser in this setting? What are those risks/disadvantages?

How well do the facilitators know the complexities of Domestic Violence?

Feeling remorse and offering an apology is often part of the pattern of abuse. Therefore, is an apology in an Restorative Justice conference different? How is this assured?

Banner : Safety and autonomy

I will ask “**in your opinion what are the possibilities of a victim feeling compelled to participate?**” After this, I will use prompts to direct the conversation. Some of these may include:

In the context of intimate partner violence, the victim has often experienced emotional and psychological abuse before they are physically abused. Therefore, if the victim has been controlled in this way by an abusive partner, how much do you think this influences her participation in Family Violence Restorative Justice?

In this context, how free do you think a victim is to *decline* participation?

How likely is it that a victim is engaging because they are worried for their safety or the safety of their children if they refuse?

How free do you believe a victim is to speak their mind in a Restorative Justice conference, given the coercion and control that is most often present within a violent relationship?

These days, NZ is increasingly diverse: not just Māori, Pakeha and Pasifika – but newer migrants and refugees from all over the world. How well do you think Family Violence Restorative Justice accommodates this diversity?

Banner 5: outcome

I will ask what the participant **what they believe an appropriate outcome would be from a Family Violence Restorative Justice conference for a victim of Intimate partner violence**. After this, I will use prompts to direct the conversation. Some of these may include:

What do you believe *justice* should look like for a victim of intimate partner violence?

What are your thoughts around an abusers expectations regarding the outcome of the conference? Do you think they could be expecting a light sentence if they appear remorseful?

If the abuser does not receive the outcome they desire, do you believe there could be a safety risk to the victim post-conference? Why/why not?

Are the outcomes you have heard of for Family Violence Restorative Justice participants what you would consider justice? Why/why not?

The restorative Justice standards for Family Violence cases states that a conference is often not enough to sufficiently change an abusers behaviour, and that ongoing support through services will often be required. How often are these services and support systems made available to the victim and abuser?

Final questions

What is your final opinion regarding Family Violence Restorative Justice?

Under what circumstances would you recommend Restorative Justice?

When would you not recommend Restorative Justice?

Can you suggest anyone else who would have valuable opinions to add to my research?

